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(Pinney, E.)
Pinney

# TRIAL

OF

# CHARLES PINNEY, Esq.

IN THE

*COURT OF KING'S BENCH,*

ON AN INFORMATION,

FILED BY HIS MAJESTY'S ATTORNEY-GENERAL,

CHARGING HIM WITH NEGLECT OF DUTY,

IN HIS OFFICE AS

# MAYOR OF BRISTOL,

DURING THE RIOTS.

---

*Accurately transcribed from the Short-Hand Report of Mr. GURNEY.*

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*BRISTOL:*

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*The following Article appeared in* Blackwood's Magazine, *for December last, under the title of* "TRIAL OF THE BRISTOL MAGISTRATES—REACTION AMONG THE OPERATIVES."

*Messrs. Gutch and Martin having obtained permission from the Writer of the Article, and the Publisher of the Magazine, to make what use they please of it, in elucidation of the Volume they have already published, under the title of*—"THE BRISTOL RIOTS, THEIR CAUSES, PROGRESS, AND CONSEQUENCES," *cannot more appropriately avail themselves of this act of kindness and liberality, than by inserting it entire, as a* PREFACE *to the present Volume, containing the Trial of the late Mayor, upon which trial, the events that preceded it, and those which have since occurred in Bristol during the progress of the late Election, it forms so valuable and judicious a commentary.*

FELIX FARLEY'S JOURNAL OFFICE,
*Bristol*, Feb. 1833.

D. Lour 20 Oct. 1943

## BRISTOL.—THE TRIAL OF THE MAGISTRATES, AND REACTION AMONG THE OPERATIVES.

[*From Blackwood's Magazine.*]

In the view we took last March of the causes of the Bristol Riots, we were quite certain that our statements could not be set aside. The radical press of the devoted city did indeed send forth, with virulent malignity, their anathemas against the light of truth which was pouring into the dens of conspiracy; but venom and anathema were innocuous to our arguments, and the facts we brought forward remained undisputed. We have the satisfaction to believe, our efforts were not lost upon the better-disposed, though deluded citizens. The mists have gradually dispersed from their eyes, and the fantastic images they had assumed to their heated imaginations, vanished. The experience of every subsequent day has proved to them that they have not been enriched, nor enjoyed more peace and security, nor more exercise of the dearer charities of social life, from the ruinous distraction which the political fanaticism of revolutionary demagogues has fatally effected. They have thus from suffering been taught to reflect and examine,—to take less upon the trust of those who have every thing to gain in a general scramble and confusion, and to place more confidence in those, to whom, in safer and happier times, they had been wont to look up with deserved respect. And what is the consequence? They loathe, to detestation, the arts which they now discover were too successfully practised against them.

We repeat, we were quite sure that our statements were true. They have received the confirmation of a Court of Law; the unimpeachable testimony on oath of numerous and most respectable witnesses—and the decision of a jury, given too with unusual emphasis and energy—establish our whole view. The Causes of the Bristol Riots will be henceforth conspicuously manifest for the future historian of the disastrous Reign of Terror, the first days of England's peril.

Had we been so disposed, we might in March last have extended our accounts of those deplorable events by ample details; for the trial of the Mayor of Bristol has brought forward but little that ourselves, in common with hundreds, were not then acquainted with; and knowing as we do, that even a slight enquiry, if not confined to the persecuting party, would have furnished the Solicitor to the Crown, or any agent, with nearly all that has appeared upon the trial, we are astonished that a prosecution so utterly disgraceful to the Government should have been proceeded in—and how proceeded in? They have allowed the Magistracy of so important a city as Bristol, and under such extraordinary irritation, whom more particularly it behoved them to reinstate and maintain in authority and respect—to be subjected to the evil scrutiny of every slanderer, the pointed malice of a wicked press, the malignity of a secret inquisition (notoriously under Ministerial sanction)—to the seeing their civic authority daily held up to the contempt of the lawless, their characters exposed to unjust odium, and their persons to unprovoked danger, during the long space of twelve months—at any period of which, this same Government, if they did not know, might have ascertained beyond a question, not only their entire innocence, but the praiseworthy zeal and activity of the Magistrates to preserve the city, when both it and themselves were abandoned to revolutionary fury. They would have discovered this, if decent pains had been taken to sift the evidence of their own informers. But the fact is, Government did not want the knowledge—they know and knew too well the causes of the Bristol riots. The prosecution was at the dictation of those whom it was in their system to obey; and upon the slightest intimation from that party of a desire to put the Magistrates on their trial, though the necessarily consequent suspense of authority, where authority was more imperatively required, must ensue, they instantly gave their sanction to a self-constituted body of accusers—established a SECRET TRIBUNAL—an Inquisition, of which themselves are but the Alguazils, the inferior officers and persecuting agents of the superior tyranny.

And who was the Grand Inquisitor-General? One of inveterate enmity to the civic body; who had, before the Bristol riots, proclaimed to assembled mobs, that

"it was time that Corporations should be interfered with!!" It is a fearful state of things if such local inquisitions are to be set up by, and in secret correspondence with, a Government, and if the members shall be generally dissenters from the Church or political creed of the Magistracy in each district. If such local inquisitions, we say, are to be established, themselves perhaps under the eommand of another Directory or Political Union, there will soou be an end to justice and to liberty. It is the most important step of revolution, and such as the demons of anarchy are ready to hail with an uproar of delight. We cannot too seriously and solemnly call the attention of the country to this secretly working tyranny—this formal denunciation and degradation of the Magistracy—this establishment of Whig or Radical information offices, (and the first experiment, at least in England, is before us)—these Lions' mouths, where any scoundrel may drop in his perfidious accusation—these new Star Chambers, where every libeller may be welcomed, and dignified and invested with the authority and impunity of a Government spy, whom envy, malignity, private hatred, and revenge, or political conspiracy, may urge to the task of infamy. We do not mean that the force of these expressions should be received to represent the characters of the committee of citizens at Bristol, at whose instigation this prosecution has been undertaken. They may have been actuated by various motives, according to their natures, good and bad. But this we do know of them, from evidence before the Court, that they were generally meu of a strong party bias—hostile to the Corporation as a Corporation—and it is worthy of notice, and accordingly so pointed out by Sir James Scarlett as a singular circumstance, "that the greater part of the witnesses for the prosecution are either Catholics, or dissenters from the Church of England." But we do say that the establishment of such an inquisitorial authority may lead to the vilest of tyrannies; and the subjecting the Magistracy of the country to any such tribunal, is of fearful omen and example, that should rouse to an expression of their abhorrence all who have still a regard for civil liberty.

Another cause for these trials may be found in this, that they would avert for a time the public mind from the real delinquents. A whole year's exemption from

reprobation, from public indignation, during the Reform rage, may have been considered cheaply purchased at the cost of some peril to a city already in part sacked and burnt, and the sacrifice of a few provincial aldermen. But never was popular indignation more iniquitously directed, than it has been during the last twelve months, with extraordinary ferocity against the highly praiseworthy Magistrates of Bristol.

In our article of last March, we shewed the general contempt of authority throughout the kingdom, by the evil coalition between the Whigs, and those who desired, and still desire, nothing so much as the subversion of the Monarchy, and all its glorious institutions—their reckless hunting down of the Tories and Tory prineiples —the entire immunity proclaimed to sedition—even the high rewards offered to agitation, and particularly in the sickening, disgusting Ministerial patronage, adulation, and royal favour to O'Connell, when the indignant country, trusting to the openly declared promise of the Ministry, looked but for his punishment as a culprit. We pointed out the profligacy of the press, maddening, by a systematic daily repetition of audacity, lying, and fatal promises. the people to rebellion against the constitution, and all constituted authorities;—that atrocious riots, and attacks upon the most eminent persons and their property, had been deemed unworthy the notice of the Ministry,—that while the Demagogue and Revolutionist were set free to disseminate their poisonous principles, the conduct of the Government covered them with the sanction of the King's name, and led the people to believe that Riot was but another name for Loyalty, and that therefore impunity was secured to them, whatever outrages they might commit. We pointed out the incessant vituperation thrown at the Clergy, the threatening language adopted towards the Bishops, and the significant recommendation "to set their houses in order;" and how that mandate had been echoed by the irreligious, the wicked, and the desperate in all parts, and how literally it was understood by them. We shewed that nowhere was this violent agitation more in activity than in Bristol; and we gave some specimens of the intemperance of the local orators and press, by which the mass of the citizens were kept in constant irritation, taught to consider taxation and imposts on

commerce as the exactions of tyranny, the clergy of their cathedral as "vermin" and "filth;"—that if a more desperate mob should be urged to violence, to destroy the depositories of taxation, revenue, and houses of civic authority, or the sacred edifice of the cathedral, it must be expected that the citizens, in their delirium, (the effect of the poison of the Demagogues,) would rather exult in the ruin, than combine to avert it. We shewed that in the riots they *did* in masses *rejoice*, as long as the devastation was confined to public or corporation property; and though this fact has been the boast, and, as occasion suited, denied by the Radical press, it is now confirmed by evidence on oath. We pointed out that the Corporation was not a political body,—that opposed to them was a very large party, mostly of Radical principles, who strained every nerve to subvert their authority. We shewed that the Corporation—fully aware of the general relaxation of all the usual restraints, and "a determination" formed and insisted on by citizens much above the lower rank, to offer gross insult to Sir Charles Wetherell, though about to sit as the judicial representative of the King's Majesty—aware of intended and formidable riots, and that their own means of protecting the city, from the causes above-mentioned, were weakened, or nearly annihilated —fully represented this state of things to the Government, soliciting military aid;—that in this they were thwarted by one of the members for Bristol, Mr. Protheroe, the mere tool of the Political Union, whose extraordinary letter to Mr. Herapath, the Vice-President of the Union, as it is important, and could not appear in evidence in Court, we again lay before the reader:—

"SIR,—On Thursday night I received a note from Lord Melbourne to wait upon his Lordship, as did my colleague, Mr. Baillie. I had bets that the subject related to the Cholera or Wetherell. I found a deputation in the room for military to protect the city from riot, and Wetherell from attack. I argued against the policy of the proposal, and stated, that if we could be secured from thieves and adventurers from other places, that *I* could, with the aid of friends, (the Union,) keep all in perfect order. I offered my services to attend Wetherell, and to do all this, *provided* I might be

allowed to enable the people of Bristol, thus constrained, to express in some measure their strong and unalterable disapprobation of Sir Charles Wetherell's political conduct, that we might all be insured from the insidious conduct of the Tories, who, *if the people are quiet*, would say there is a reaction against the Bill."

We shewed that the Government did not think fit to send, though strongly urged, a sufficient military force; —that not one hundred men were sent, and these under such conditions and restrictions, as rendered it extremely perilous to the Civil Magistrate to call them in. We stated that the Magistrates behaved with judgment and spirit, to the utmost of their power, and threw themselves unsparingly into frequent peril,—that they were deserted both by the military and by the citizens. And we now firmly believe it was most fortunate for them, personally, that they were unable to quell the riots by obedience to their authority; for had the extent of the devastation been prevented, by a proper exercise of a sufficient force that Government might have furnished, and one life had been lost, who can doubt that the Government would willingly, or by compulsion, have put them all upon their trials for murder? The same instigators for the prosecution of Captain Lewis, who accidentally, by a blow from a ruffian on his arm when holding a pistol, shot a boy whom he did not see, would have been loud and imperative in their demands for instant persecution, even to death. The Jury on the trial of the Mayor of Bristol have by their verdict confirmed our statements, with regard to the transactions at Bristol, with the single exception of the conduct of Mr. Protheroe, which did not come before the Court, and which stands confirmed, by his own admission, by his own letter.

We may now venture to make a few remarks upon the Mayor's trial. We were truly astonished at the weakness of the case—the charges were loose and general—they were in no particular tangible. We fully agree in the severity of the rebuke given by Sir James Scarlett in his appeal to the Jury:—

"For if you are to convict the defendant on the evidence you have heard, or the statement which the Attorney-General has laid before you, there would be no safety for any Magistrate in the kingdom,—no honesty,

no integrity, no zeal could save him from the malice or the vengeance of his enemies."

The defendant has been subject to no ordinary tyranny. Persecution is even to invade the sancity of justice. In a case where his honour, all he holds most dear to him, the issue of which is to determine whether he is to be branded with infamy, (though conscious of having fully performed his duty,) by which it is to be determined if he is for the remainder of his life to live in reputation among his fellow-citizens, or to be hooted for ever from the city, perhaps from the kingdom, at the sacrifice of every interest,—at such a juncture, overwhelmed by the whole power and ability of an Attorney-General, and a Government prosecution, and all the unknown evidence a secret and hostile committee might rake together, he has to defend himself against the tyranny of the press, an attempt by a perverted report, a misrepresentation of evidence, to influence the jury and exasperate the country against him! The scoundrel who did make that false report of the evidence, saw the probability that the Jury would refer to his report to refresh their memories. The object, therefore, is manifest: it was an act of villainy that will meet its reward. What is the evidence of Mr. Roberts, a dissenting minister?—

"I was astonished at the infatuated apathy of the *inhabitants of* Bristol, when the town was about to be burnt before their eyes." Now mark the report of this in the *Times*. "I had a strong impression of the dangerous consequence of the infatuated apathy *of the Civic Authorities* in permitting the city to be occupied and ravaged by a mob." Fortunately this wicked perversion did not escape the eye of Sir James Scarlett, and he accordingly put the Jury on their guard. But a question arises, *did* the reporter *so* report the evidence? or was it *so* perverted in the manufactory of the Principal Liar?

Loose and general as the charges are, we may pick out, if we attend closely to the evidence of the witnesses for the prosecution, the following, as the crimes and misdemeanours imputed to the Magistrates, or, if we are to confine ourselves to this trial, the Mayor. It has been charged against him that he did not authorize the troops to fire. Now it is proved by evidence that he *did* order them "to fire if necessary," but that Colonel

Brereton, who had received *his instructions* from Government, declared it was "unnecessary," and that he would take the responsibility upon himself.

It is said he should have put arms into the hands of the citizens. Major Mackworth, a military man, considers such a measure at all times unsafe; and it must have appeared evident to any one who had read a small portion of this trial, that if three hundred special constables could not be obtained. and the people were, to say the least, in apathy, the danger of arming bands of ruffians among the citizens must have been extreme. In this respect the Magistrates shewed cool judgment, for they secretly conveyed arms out of the reach of the rioters to a place of safety, and, with discretion, kept it to themselves; and when a Mr. Goss, who, for aught they knew, might have been connected with the rioters, was very forward and busy questioning them, they very wisely told him by all means to throw the arms into the float, which they had already secured. And yet, so weak is the case, this Mr. Goss, the important correspondent of the Minister, is paraded forward with his foolish testimony, which proves only that the Magistrates of Bristol were wiser than his Majesty's Ministers and their Attorney-General, and would not trust him. It has been proved on oath that several, the most active leaders of the mob, appeared in the character of constables. "I will," replied the witness Harmar, an attorney, "swear to that fact; they were armed on the Monday with a long knife, or rather a weapon between a knife and a sword. I headed a body of special constables who *were menaced* by those who were armed." The Mayor is charged with not having during the riots collected a sufficient body of citizens, who might have quelled them. But it is proved every attempt was made to procure a civic force, that the Mayor went forth into the streets himself, as did the Magistrates, called at the citizens' houses, and headed parties—that many refused assistance, saying, why should we go and protect the Corporation property, let them protect their own property; that the force the Mayor and his brother Magistrates *did* collect were maltreated and in danger of their lives by the troops the Ministers had provided. It is proved that when an attempt is made to rescue property from the Bishop's Palace, the culprit is allowed to

escape, and the special constable threatened by Colonel Brereton that he would cut him down. "I went to the Palace and attempted," says Mr. Harmar, "to rescue some property. I was then armed with a sword, when Colonel Brereton commanded me to put up the sword, or he would cut me down. I was very indignant, and made some angry answer. As the rioters came out of the Palace, laden with plunder, the soldiers made room for them to pass through their ranks. I caught one man, having first struck him with my sword—he was laden with plunder—when a soldier said to me, 'you have been before told to put the sword up, and if you don't do so instantly I will cut you down.' Having before seen the Bishop's butler wounded in the face, I thought it better to do so, and the prisoner escaped. The butler had captured a man who had robbed the Palace, which was then on fire, and he was struggling with him, when a soldier ordered him to let the man alone. The butler refused, saying he was put there to protect his master's property, and he would do so, upon which the soldier struck him a violent blow with his sabre, and cut his nose; had he been a few inches nearer to him, from the force of the blow, he would unquestionably have cut off his head. Of course the prisoner escaped. We had succeeded in putting out the fire in the Palace, and in capturing some of the ringleaders, when one of the special constables came in and told us that the soldiers had left us; upon which it was agreed to make a rush and escape, as it was hopeless to attempt to defend the Palace. We were a good deal pelted, but we did escape. Mr. Franklyn, a special constable, was seriously wounded." Now from this evidence it appears that the force the Mayor provided did their duty, but were not equal to defend themselves both against the rioters and his Majesty's troops—that they might, in this place, have preserved the Palace and the plunder, had not they been threatened to be cut down and actually struck by the troops—and it appears that neither Colonel Brereton nor his soldiers (the 3rd) were averse to cut people down, provided they were not rioters and plunderers. Every one must wonder why the severity of his Majesty's troops should be exercised only on the Conservatives and real constables. It will be necessary that Parliament should demand the pro-

duction of the secret orders sent to Colonel Brereton. It is charged as a crime upon the Mayor that he did not call out the *posse comitatus*, which, as it required time, he could not do; nor could he have been secure of his force, where so large a portion of the citizens were infected, that in the commencement he could not obtain three hundred special constables. But it may be worth while to take the evidence of one witness on this feeling —the Rev. J. Bulwer, examined by Mr. Follett. "He was in different parts of the city during the Sunday of the riots. He heard the approbation of the mob expressed when public property was destroyed, but when private property was destroyed the feeling changed. He mingled with the crowd, and heard them say, as the Gaol was on fire, 'It serves them right, the villains, for bringing that arrogant villain, Sir C. Wetherell, down to Bristol to insult the citizens.' These expressions were used by persons with silk umbrellas over their heads, and having females under their arms with silk gowns on. At the toll-gate he heard the people say that there would be enough for all, and that the rascally Lords took the bread out of the people's mouths, and then sent down soldiers to do for them. He saw the mob then move on to Lawford's Gate, holding up bars of iron, and asking every respectable person if he was for Reform. As the mob passed along, the inhabitants were standing at their doors, but offered no opposition to the mob. He subsequently heard the mob cheered by such expressions as 'Go it, my boys.' He saw Lawford's Gate prison destroyed. He was subsequently with the Mayor and Mr. Serjeant Ludlow in the evening, and heard them solicit persons to join and put down the mob; the request was not obeyed."

These then were the persons who would have formed the *posse comitatus*, and could they be depended upon to avert the destruction at which they rejoiced? We see now the effects of the intemperate abuse so lavishly thrown at the Lords, in and out of Parliament. We see how the poison of that tyranny worked; how ready the people must have been for a revolution thus maddened into such a frenzy as to see, rejoicing spectators, the public buildings of their city burnt and plundered by a ferocious mob.

But what were the Political Union doing all this

while? Let us take the evidence of one witness on this point, and we shall see whether the £75 paid them for their *services* (for whatever their services were, they were paid for), might not have been saved. Mr. Brunell is examined—" Is an engineer, and son of Mr. Brunell an engineer. On the Saturday night he was in Queen-square, where he saw a multitude of persons assembled, calling out something about 'the King and Reform.' He assisted in apprehending some of the rioters, and one of the prisoners was rescued by persons whom he afterwards recognised as special constables and Members of the Political Union." We must here remind the reader, that Mr. Herapath, Vice-President of the Union, had written to Mr. Aldermau Daniel, one of the Magistrates in the information, on 26th October, "that it—(the intention to employ an armed force)—had produced effects upon the Council of the Union, which the Magistrates alone must be answerable for!" And that the day preceding the 25th October, "The Council of the Union," under the sign manual of J. P. Ven, secretary, "By order of the Council," had demanded of the Magistrates the resignation of their offices, that they should "suffer the civic authorities to be elected by a majority of the votes of their fellow-citizens." Probably, it may be thought, that it was in preparation to set up a Provisional Government "by Order of the Council," —and there may be some eolour for such a suspicion, from the evidence of Mr. John Wood, who deposed that be had told the Magistrates, that "he had seen Ven, the secretary, leading on and cheering the mob on Saturday night,"—he further adds, that "he deposed to these facts before the Committee of Enquiry." It is obvious here to remark, that this deposition of Mr. John Wood did not meet the instructions of the Attorney-General. It was much safer to the Government to charge a whole body of Aldermen and Magistrates, than one single secretary of a Political Uniou. But as this information was given [deposed] before the Committee of Enquiry, it may not be amiss here to drop in a little evidence as to the character of this Committee; and that we may receive it from the best authority, we will take that of the president himself. Mr. Cunningham is under examination—" Was friendly to Reform. He acted as chairman at the meeting at the Commer-

cial Rooms with reluctance, and was also chairman of the Committee then appointed, but he withdrew from the Committee, because it seemed to be the desire of other members *rather to prosecute the Magistrates*, than to call for *a general enquiry*. The Committee had had communication with Lord Melbourne and the Members for the city, but he declined attending the Committee, on finding that their *object* was *a party one*." So then it is proved that the Government, or Lord Melbourne and the Members for the city, were in correspondence with, and sanctioning a committee "whose object was *a party one;*" and whose chief desire was "*to prosecute the Magistrates*." And it is from the information raked up by such a party, that this solemn and iniquitous absurdity—The Trial—is got up at great cost and sacrifice to individuals and the public. And it may be asked, why were this Committee so desirous of directing the public attention to the Magistrates, who were not guilty? Was it cunningly to screen and provide for the safety of those who were? And had the Secretary for the Home Department, and the secretary "for the Council," and the secretary perhaps of the Committee, a fellow feeling? One heavy item among the charges is, that the Catholic priest, Mr. Edgeworth, was not allowed to bring his two hundred armed *sober* Irishmen into the field. But this was on the Monday; how the two hundred sober Irishmen were previously employed, does not appear; and as the military preparations on *the Monday* were sufficient without these light-armed forces, they seem to make a very unnecessary parade before the Court; and it may be possible, that the Magistrates considered the previous language of this Catholic priest as one of the strong exciting causes of the outbreak. We really think it deserving of some attention, that a violent-minded Catholic priest should be able, on a sudden emergency, to marshal two hundred sober Irishmen either for or against the peace of the city. We have all heard that Catholic priests have occasionally shewn great talent in thus marshalling forces.

Another small item against his Worship the Mayor, is, that he was not, in a city of one hundred thousand inhabitants, at every one's elbow that chose to ask for him. It is presumed that he hid himself, sneaked away;

and there is a base attempt to throw ridicule and an air of lowest cowardice over his proceedings. Now, what says evidence? It is proved that he was almost every where, and that his personal exertions were beyond praise; that he remained at the Mansion-house, until he was burnt and stormed out, and even then retired (made his escape if you please, Mr. Vituperator and Revolutionist) with great reluctance, and only when urged to do so, with the gallant Major Mackworth, who escaped with him. He headed bands who deserted him, knocked at the citizens' doors,—in one word, this item in the charges, if all are false, is a *base* lie—a determined calumny.

Another small item is, that he could not ride. But of this no proof is given—and no necessity shewn for his skill in horsemanship,—no necessity that he should have made himself ridiculous by aping a serjeant of dragoons, nor of impeding the progress of the soldiers by his ignorance of their movements—nor, by standing still or turning to the right when he should have wheeled to the left, have found himself in the midst of some of those amiable constables, whether of the Union or not, who carried "something between knives and swords," and threatened the specials. Nor perhaps would he have thought himself too safe, thus accoutred as a dragoon, without his implements of defence, either amidst those troops who have taken their degrees at the University of Paris, and who may read the Edinburgh Review, or even amidst the two hundred Irishmen, though all sober, with Mr. Edgeworth at their head.

Another item—that he did not, with the eye of a Cæsar, or at least a modern engineer, seize upon the plan of some absolute-wisdom-monger—we believe Mr. Herapath,—to shut up the rioters in a certain island. But no proof is brought of any facility—all *that* is presupposed. We hear nothing of difficulties, impossibilities, or inexpediencies. We are not told how many docks and locks and swing-bridges were to be stoutly guarded—how many boats to be taken possession of—how many men it would have required, nor where they were to be found—nor of the immense property that the mob would inevitably destroy, from downright vengeance, when they should have beheld the attempt. A great part of that island-property, belonging to a member of the

Corporation, would certainly have been a desirable sacrifice at that time, in the eyes of many citizens—and, consisting mostly of timber, would have made a grand illumination in honour of the Three Glorious Days of Bristol.

But blowing away these flimsy items, as so much thistle-seed, which will again rise up for ever and ever in worthless and unprofitable soils, the brains of the real culprits and revolutionists, though now scattered to and fro with the winds, let us remark, that in the attempt to make any thing of them, according to Mr. Justice Littledale, there are at least two instances of perjury. Besides which, he gives it as his opinion, that "the man who sent the Dodington troop from Fisher's," (upon the matter of which troop so much stress has been laid,) "must have been connected with the rioters, or known nothing about the stables; for Fisher, the owner, said that he was engaged in lighting up the stables for that troop, and that too *by the direction of the Magistrates.*" Mr. Justice Littledale has an aversion to the word "organize," as of new introduction into our law and language, and never saw it in a declaration or information. We beg leave to point out to Mr. Justice Littledale that he is not singular in his abhorrence. The Committee of Secrecy, appointed by Parliament in 1799, entertained a similar dislike; for, exposing the plans of the United Irishmen, they remark, "Having thus '*organized*' (as it is termed) the several counties and populous towns, a committee, called a subordinate directory, was erected," &c.

The term, in this case of the Bristol trials, may have been at the suggestion of the Committee in correspondence with Government. We believe *organized* was a term used likewise by the Birmingham Political Union and has been practically enforced by a few hundred thousand sober Irishmen of the Union, that is, the United, as occasion may have required; and for which organization a Catholic priest, O'Coigly, was, in the language of the Directory, "sacrificed." Perhaps the term organization will be not the less pleasing to some, nor the less displeasing to others, if reference be made to the objects to which, in England, it was to have been applied. We will turn a moment to the Committee of Secrecy appointed by Parliament, who discovered those

objects. "They" (the Corresponding Society) "exhorted each other to prepare courageously for the struggle which they meditated, end openly avowed that they meant to obtain the redress which they professed to seek, not from Parliament, not from the Executive Government, but from themselves, and from their own strength and valour; from their own laws, and not from the laws of those whom they termed their plunderers, enemies, and oppressors. For the purpose of assembling such a convention, and of preparing the people at large to look to its proceedings with respect, and to adopt and countenance the doctrine and practices which it might recommend, itinerant members of the societies above mentioned (various Unions) dispersed themselves throughout different parts of the country, proceeding from town to town, and from village to village, endeavouring to inculcate into the minds of those with whom they conversed, the necessity of such a measure as that which they had in contemplation, for the reform of the abuses of the Government, and the redress of the grievances of the people; and describing, in language varied according to the passions or prejudices of different classes whom they addressed, the nature and extent of the different political purposes which might be effected by a convention once assembled. The dispersion of Paine's works, and other works of a similar tendency, was at the same time continued with increased industry; and the societies flattered themselves, that they had by these means really made progress towards preparing a large portion of the nation to favour their project. The zeal, indeed, of many of the country societies appears to have outrun the instructions of the agents, and to have carried them into discussions beyond those limits which the persons who planned and instigated the measure thought it prudent in the first instance to prescribe. The agents were instructed to confine the views of the several societies to whom they were deputed, and to point the wishes of iudividuals purely to the attainment of universal suffrage, from which, once established, it was represented that all the reforms which could be desired would naturally flow; and it appears to have been the design of those who directed the business, to prevent the premature discussion of any of those points which they represented as subordinate, until after the convention should have been assembled, and this pri-

mary object of universal suffrage obtained. No caution or prohibition, however, could prevent many of the country societies from shewing how confidently they anticipated, as the result to which the deliberations of that convention must necessarily lead, the abolition of the monarchy, of the aristocracy, and of other establishments which they deemed equally oppresive; and the substitution of a representative government, founded on the new doctrine of the rights of man, and uniting in one body all the legislative and executive powers of the state."—*Report of the Committee of Secrecy.*

In the first few lines of this long quotation, respecting "the struggle," and the force to be used against the plunderers, &c., we think we recognise the speech of one of the Bristol orators, now revolutionizing elsewhere, previous to the Bristol riots. Whether we have digressed or not, it little matters, for a question arises out of our quotation which may have a considerable bearing on the subject of the Bristol riots. Are there now any societies entertaining such views? Doubtless there are! working both openly and in secret; and the more openly on one hand, the more is the danger from the secret parts and movements of the conspiracy. We entertain no doubt whatever, that secret societies had long previously prepared the Bristol riots and that they were upon a plan. We believe the plot originated in France. That French emissaries in this country have been busy, and French pay in circulation, from the moment of the conspiracy in France to overthrow the government of Charles X. And we believe the plot will one day be fully developed, and that our own press will be found to have been deeply implicated in it, and to have received their full portion of the bribes. Be not startled at the supposition—such things have been proved.

The Committee of Secrecy reported that "an attempt was made to give the ships in mutiny the name of a Republic, and this attempt was countenanced both by papers published in France, and by a paper here called the Courier, which has on many occasions appeared almost equally devoted to the French cause." And has not the Courier more recently been found playing the same game? But we believe the press at this moment to be largely in the French pay, and promoting solely the French interests. But as to revolutionary conspi-

racies, what preceded the burnings in this country? Those in Normandy; incendiarism originated in France. Why were not those of Normandy discovered? Because the intended object was attained, and those taken into custody on suspicion by the old Government were liberated by the new. But have we not the instance of one of the agents having fallen into disgrace with the new French Government, raising his plea of merit, that he had fomented the discontents throughout England, and established the "European Society" in London, for disseminating revolutionary principles? He could not have made such a plea, if those to whom he made it did not know it to be true, and they probably had themselves the documents in proof.

The publication of M. Sarrans, aide-de-camp to La Fayette, makes pretty clear discoveries of the Propagandism of the overthrowing party; that to them were owing the Revolution in Belgium, Poland, and the outbreaks in Italy. We believe they knew well their intended Revolution in France could not stand unless they could create in Europe generally a revolutionary spirit. And hence Propagandism extended its baneful influence to our shores, and was soon as conspicuous as in Normandy, in conflagrations, agitation, and an unexampled tyranny of the press. We believe that innumerable secret agents were about in this country, and that by them the riots in Bristol and other places were planned; that a simultaneous rising was intended, and the establishment of Provisional Governments. If it be said that such things must have been discovered, we ask, have, excepting on this solution, the plots of the incendiaries, which we know must have existed, been traced to their causes? We ask, if we were not on the eve, within a few hours, of the outbreaking of a desperate rebellion in Ireland, under Lord Edward Fitzgerald, when hundreds of thousands were ready upon the instant to rise up in arms? and then, only a few hours before its accomplishment, the Government had no suspicion. But here there are many circumstances to lead us to the belief, and we have heard statements of details relating to the Bristol riots, which to our minds confirm it. We do not think that *all* the parties that have acted were in the plot—they have been made the dupes, and have played another's game.

But to return to the trial of the Mayor of Bristol. With all that has been proved, and all that has not been proved, or rather, all that has been disproved before the understanding of the Court, what could have possessed the Attorney-General, that he should have ventured to carry his official and professional zeal or habit so far as to outrage common sense and the decency of truth, and that, too, when the Mayor only is on his trial, as to include all the Magistrates in a charge of equal guilt with the ruffians who were hanged as the perpetrators of the horrible conflagrations? Were the Magistrates—was it ever pretended they were, but by the ruffian Times—accomplices with the incendiaries? Or what is the meaning of this conclusion of his address to the Jury: "For he could not help expressing the opinion he entertained, that, in his judgment, the Magistrates shared equally with the men who had suffered for violating the law, the responsibility of the calamity which befell the city of Bristol!" This is too bad!—detestably too bad! But when we find that this Ministerial bluster is all thrown away; and that the good sense and honesty of the Jury, as well as Judges, are not to be averted from a plain case and acquittal by such ill-timed virulence, we cannot help thinking that the Attorney-General makes no very splendid figure. There is something ludicrous in his position. He reminds us of Dingdong, who would have taken his sheep to the devil's market; but the more cunning Panurge, determined to prevent him, by his superior management gets the big ram out of his hands, tosses him over the rail, and the whole flock follow and escape. We do not think the Attorney-General will imitate Dingdong, and try to cling to one out of the many, for Dingdong was carried away and lost in the attempt. But what will he have to carry back to the Ministers? Where is the victim, they will cry, and he will shew them the verdict. What will the Premier say to it? What will the Secretary for the Home Department say to it? It may suggest to them that there are days of enquiry, and days when the people have a desire for victims. But as the verdict is at least gratifying to us, it may as well be recorded in Maga—and here it is—

"We are unanimously of opinion that Charles Pinney, Esq., the late Mayor of Bristol, is not Guilty of the misdemeanors charged in the Information."

After a short pause, the foreman added:

"We are also of opinion that the late Mayor of Bristol, when under circumstances of unparalleled difficulty, menaced and opposed by an infuriated and reckless mob, unsupported by any adequate civil or military force, and deserted by those from whom he might reasonably have expected assistance, discharged his duty with zeal and personal courage."

Not an infuriate, observe, but an infu*riated* mob—rendered infuriate. And, again,—unsupported by any adequate civil *or military force*.—Who, it will be asked, should have determined the military force? And *deserted*, again, is a strong word. This is too important a verdict to rest here.

And here we fearlessly charge his Majesty's Ministers, that they have raised a spirit of insubordination and contempt of law throughout the kingdom, and made it a scene for the plots of conspirators and revolutionists—that they have denounced by their language, and the language of their patronised abettors, and encouragement of a daring and systematically lying press, the greater part of the aristocracy of the land, the Peerage and the Bishops more particularly—that they have fostered with peculiar favour illegal Political Unions, deliberating upon a refusal to pay taxes—that they have followed a system of persecution of the magistracy when they have zealously endeavoured to do their duty, and protect the lives and property of the innocent—that, by allowing nearly universal impunity, they have given, as it were, a license to every outrage—that, in consequence, the revolutionary schemes of desperate men have had full scope, and every interest of the country been brought to irremediable convulsion—and that, but for this system of non-government, the riots at Bristol would never have taken place, when, with wild passions, loosened from old restraint, infuriated multitudes rushed to the destruction of property to which their hatred had been directed, and hence houses of taxation, of civic authority, castles of nobility, and the palace of a Bishop, have been reduced to ashes. We charge them, that when the Magistrates of Bristol, finding their authority nearly annihilated, pointed out the danger impending over and threatening their ancient and important city,—that then, they did not take the necessary steps to protect it; but sent a military force under embarrassing restrictions, and such

as a jury have pronounced inadequate. And, after these woful events had occurred, we charge them with a timid submission to the mobs, and insult to the King's Judge, in the person of Sir Charles Wetherell, by a careful abstinence from any particularly directed expression of their sense of the atrocious attempt upon his life. And we charge them with a cruel persecution of the Bristol Magistrates, whose entire innocence they might have ascertained by a decent enquiry; and with demeaning themselves to correspond with, and become the inflicting agents of a committee self-elected, in inquisitorial authority over their fellow-citizens; and whose chief object was, not enquiry, but the ruin of the Corporation. And we charge them with leaving the city twelve months deprived of that wholesome cure, authority, it so much required, and which it could not obtain while its Magistrates were considered as the culprits who had laid it in ruins.

From the greater we may come to lower delinquents. We charge the local orators, that by their highly inflammatory speechés, they directed the mob to atrocious violence,—to an unjust hatred of their better fellow-citizens—of the resident Bishop and clergy,—that they had, as it were, broken up the peace and order of the city; and we charge them as in this way being the promoters of all the conflagrations, and their consequences.

We charge Edward Protheroe, Esq., member for the city, with having thwarted the Magistrates in their attempts to procure protection for the city, and with having issued an order to the Political Union that the people should not "be quiet."

We believe, firmly, the time will come when all these parties will in one way or another be put upon their trials.

It may be asked—What is the present state of that venerable and once bright city? Too many, indeed, within it have thrown about their firebrands—have raised their sacrilegious hands, and lifted their voices against the holy temple, aud have said—"Down with it, down with it, even to the ground;" and have bowed in the very streets, to the new deity they have set up, Revolution. Her priests have painted and wrapped round the image with a vesture of many colours to hide the blood-stained deformity. But the people in their zeal of adoration have approached too near, and have torn away the embalments and tri-coloured wrappings

of the Idol Mummy, of more than Egyptian superstition, and have discovered that they have worshipped but the concealed carcass of an ape.

During a great part of the last twelve months of slander, calumny, and persecution of the Magistrates, during which our culpable Government have put in abeyance that due civic respect and authority which could alone ensure the recovery of the city, it has presented a scene of internal mistrust and distraction, decay of trade, and failure of merchants, unexampled. The admirers of confusion have been gratified to their heart's content. But there is *now* a reaction!

The mass of citizens have awakened from the gross delusion, and have again called upon those excellent Conservatives, that in anxious retirement have waited the time. Those very parties paraded by the Revolutionists in bands, the Operatives of the Trades, have been the first to come forward and shake off the bondage, the unbearable bondage, of their new tyrants, and have proclaimed their return to conservative principles. They have forsaken the heat and uproar of the Pandemonium revels; have retired, "in the cool of the day," to hear a better "voice, and be afraid." The Conservatives in Bristol, it is gratifying to know, are now as strong and powerful as in any part of the kingdom. The re-action has made them, we believe, supreme. They have invited Sir Richard Vyvyan, one of the firmest and most talented champions of the constitution. Of his success over the Radicals, no doubt can be entertained. That the virulent party will still make every effort that malignity, defeat, and disappointment can suggest, must be expected; for too many of them are of an insanity that no hellebore can remove, and will roar and brawl to the end. But the mass of citizens look to their ruined homes, their ruining fortunes; they see what the city is, and remember what it has been. They ask themselves, if it shall resemble the "Cities of the Plain," that after the fire has consumed them, and the waters of desolation have gone over their ruins, rise no more, but send forth, as memorials of their existence and crime, the scum and stench from beneath—or shall it rise, purified from its pestilential vapours and the scum that has risen to the surface—shall it emerge from the "sea of troubles" that has so long overwhelmed it, in renovated loyalty and prosperity?—We believe it will.

In consequence of this verdict of acquittal of the Magistrates, (for no man in his senses can doubt the acquittal extends to all,) Sir R. Vyvyan has, with the best feeling and judgment, addressed the citizens. "The calamities of last year," says Sir Richard, "it is now solemly determined, are not attributable to the misconduct of your local authorities. Therefore, as the cause of the injury which the public, as well as individuals, have sustained, was not local, but national, it is my opinion that, in strict justice, the charges of compensation ought also to be national." The jury have pretty clearly determined where the blame rests. The city of Bristol should loudly demand to be released from the burthen which now so heavily presses on them. If this subject, as it ought, be brought before Parliament, we venture to assert that the unsuccessful experiment of "The Movement" at Bristol has prevented a more dangerous revolutionary attempt and simultaneous movement in most of the large cities and towns of the kingdom. We venture to assert that a deep-laid conspiracy may be discovered, affecting the whole empire.

The case of the excellent Bishop, whose palace has been burnt to the ground, and property plundered, is one of peculiar hardship. The loss to him is irreparable. Something more than idle sympathy is required. It would not be unreasonable that he should request of Earl Grey "to set his house in order" for him. Perhaps if the Premier took this charge upon himself, *his* people would not again level it to the ground.

If we are to remain a Christian people, let all well weigh the matter—that there can scarcely a greater disgrace befall them than patiently to see their religion and its ministers insulted aud injured without reparation.

The citizens of Bristol should remember, that, if they would pray for the peace of their Jerusalem; "if they would have peace within her walls, and plenteousness within her palaces," they should have a zealous care for the servants of the God to whom they offer their petitions. As they rejoice, and they do rejoice, in this acquittal and proved honourable conduct of their Magistrates; let them look to more sure protection, and remember that they have received a prophetic warning from their forefathers, in the choice of the motto to their public seal—that "Except the Lord keep the city, the watchman waketh but in vain."

"Nisi Deus custodierit civitatem, frustra vigilat qui custodit."

## COPY OF THE INFORMATION.

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PLEAS before our Lord the King, at Westminster, of Easter Term, in the second year of the reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King Defender of the Faith.

Amongst the Pleas of the King.—Roll.

CITY OF BRISTOL AND COUNTY OF THE SAME CITY—TO WIT. } BE IT REMEMBERED, that Sir Thomas Denman, Knight, Attorney-General of our present Sovereign Lord the King, who for our said Lord the King in this behalf prosecuteth in his proper person, comes here into the Court of our said Lord the King, before the King himself at Westminster, on Monday, the sixteenth day of April, in this same Term, and for our said Lord the King, brings into the Court of our said Lord the King, before the King himself then here, a certain Information against Charles Pinney, late of the city of Bristol and county of the same city, Esq.; which said Information followeth in these words, that is to say:—City of Bristol and County of the same City, to wit. Be it remembered, that Sir Thomas Denman, Knight, Attorney-General of our Sovereign Lord the King, who for our said Lord the King in this behalf prosecuteth in his proper person, cometh here into the Court of our said Lord the King, before the King himself at Westminster, on Monday, the sixteenth day of April, in this same Term, and for our said Lord the King giveth the Court here to understand and be informed, that heretofore, to wit, on the twenty-ninth day of October, in the year of our Lord One thousand eight hundred and thirty-one, and before and afterwards, and at all and each of the several times hereinafter mentioned, Charles Pinney, late of the city of Bristol and county of the same city, Esq., was Mayor of the said city, and one of the Justices of our said Lord the King, assigned to keep the peace in and for the said city of Bristol and county of the same city, and also to hear and determine divers felonies, trespasses, and other misdemeanours, committed within the said city and county. And the said Attorney-General gives the Court here to understand and be informed, that heretofore, to wit, on the said twenty-ninth day of October, in the year aforesaid, in the said city and county, there had been divers tumults, riots, routs, and unlawful assemblies of great numbers of evil-disposed persons, within the said city and county, and divers and violent breaches of the peace of our Lord the King, and divers violent attacks and outrages had been committed in the said city and county, upon the persons and property of divers of his said Majesty's subjects there; whereof the said Charles Pinney, so being such Mayor and Justice as aforesaid, then and there had notice. And the said Attorney-General

further says, that on the next day after the said twenty-ninth day of October, to wit, on the thirtieth day of October, in the year aforesaid, to wit, in the city and county aforesaid, divers wicked and evil-disposed persons, to the number of five thousand and more, whose names are at present unknown to the said Attorney-General, with force and arms, unlawfully, riotously, routously, and tumultuously assembled themselves together in different parts of the said city and county, armed with iron bars, iron crows, pickaxes, hammers, pieces of wood, and bludgeons, with intent to disturb the public peace, and to make riots, routs, tumults, and affrays in the city and county, and to commit breaches of the peace and outrages upon the persons and property of his Majesty's peaceable subjects there; of all which premises the said Charles Pinney, so being such Mayor and Justice as aforesaid, then and there also had notice. And the said Attorney-General further says, that divers, to wit, three thousand of the said persons, so being unlawfully, riotously, routously, and tumultuously assembled together, armed as aforesaid, and divers other persons, to the said Attorney-General also unknown, afterwards, to wit, on the day and year last aforesaid, at the city and county aforesaid, with force and arms, wickedly and unlawfully attacked, and with the said hammers, pickaxes, iron crows, iron bars, and pieces of wood, forced and broke open a certain common and public gaol or prison there, called the Bridewell, and then and there made a great riot, noise, tumult, and affray there, for a long space of time, to wit, for eight hours, and during that time unlawfully, wilfully, maliciously, and with force, burned, demolished, and destroyed the said gaol or prison, and rescued divers, to wit, one hundred prisoners, who were then and there lawfully confined in the said gaol or prison, and suffered them to go at large; whereof the said Charles Pinney, so being such Mayor and Justice aforesaid, then and there, to wit, on the day and year last aforesaid, in the city and county aforesaid, also had notice. And the said Attorney-General, in fact, further saith, that afterwards, to wit, on the same day and year last aforesaid, at the city and county aforesaid, a great number, to wit, three thousand of the said persons, so being riotously, routously, and tumultuously assembled as aforesaid, armed as aforesaid, and divers other persons also, to the said Attorney-General unknown, with force and arms, wickedly and unlawfully attacked, and with the said hammers, pickaxes, iron crows, iron bars, and pieces of wood, forced and broke open a certain other public and common gaol or prison, in the city and county aforesaid, called The Gaol, and then and there made another great riot, noise, tumult, and affray there, for a long space of time, to wit, for six hours, and during that time unlawfully, wilfully, maliciously, and with force, partly burned, demolished, and destroyed the same, and rescued and set at large divers, to wit, one hundred prisoners, who were then and there lawfully confined in the said last-mentioned Gaol, to wit, at the city and county aforesaid; whereof the said Charles Pinney, so being such Mayor and Justice as aforesaid, then and there also had notice. And the said Attorney-General, in fact, further saith, that afterwards, to wit, on the same day and year last aforesaid, at the city and county aforesaid, a great number, to wit, three thousand of the said persons, so being riotously, routously,

and tumultuously assembled as aforesaid, armed as aforesaid, and divers other persons, also to the said Attorney-General unknown, with force and arms, wickedly and unlawfully attacked, and with the said hammers, pickaxes, iron crows, iron bars, and pieces of wood, forced and broke open a certain messuage and dwelling-house, in the city and county aforesaid, of and belonging to the Lord Bishop of Bristol, and then and there made another great tumult, riot, disturbance, and affray, for a long space of time, to wit, for the space of eight hours, and then and there during that time unlawfully, wilfully, maliciously, and with force, burned and demolished the said messuage and dwelling-house, and wholly destroyed the furniture and other goods and chattels therein, to wit, at the city and county aforesaid; whereof the said Charles Pinney, then and there being such Mayor and Justice as aforesaid, then and there also had notice. And the said Attorney-General, in fact, further saith, that afterwards, to wit, on the same day and year last aforesaid, at the city and county aforesaid, a great number, to wit, three thousand of the said persons so being riotously, routously, and tumultuously assembled as aforesaid, armed as aforesaid, and divers other persons, also to the said Attorney-General unknown, wilfully and maliciously, and with great force and violence, attacked, forced, and broke open divers, to wit, one hundred messuages and one hundred dwelling-houses, of and belonging respectively to divers of his Majesty's subjects, situate in a certain place in the said city and county, to wit, in a certain place there, called Queen-square, and then and there made a great riot, noise, tumult, disturbance, and affray there, for a long space of time, to wit, for twelve hours, and during that time then and there unlawfully, wilfully, maliciously, and with force. burnt, demolished, and destroyed the said messuages and dwelling-houses, and the furniture and other goods and chattels therein, and stole, took, and carried away, divers goods and chattels of and belonging to divers of his said Majesty's subjects, then and there being, and greatly terrified and alarmed the inhabitants of the said city and county; of all which said last-mentioned premises the said Charles Pinney, so being such Mayor and Justice as aforesaid, then and there had notice, to wit, in the city and county aforesaid.—Nevertheless, the said Attorney-General, in fact, saith, that the said Charles Pinney, so then and there being such Mayor and Justice of the Peace as aforesaid, and well knowing of the said riots, tumults, and affrays, and of the said burning, demolishing, and destroying of the said gaols and messuages, and of all other the premises aforesaid; but, disregarding, and wilfully and wrongfully neglecting, the duties of his said office, as such Justice of the Peace as aforesaid, did not then and there suppress or put an end to, or endeavour to suppress and put an end to, or use due means or exertions to suppress and put an end to, the said riots, tumults, and affrays, and to the said burning, demolishing, and destroying of the said gaols and messuages, and the violences, breaches of the peace, and outrages as aforesaid, as he could and might and ought to have done, or endeavour to execute the powers and authorities by the laws of this realm vested in him the said Charles Pinney, as such Justice of the Peace as aforesaid in that behalf. But the said Charles Pinney, then and there, to wit, on the day and year first

aforesaid, and from thence continually during all the time aforesaid, in the city and county aforesaid, wilfully and unlawfully neglected his duty in that behalf, and omitted to suppress and put an end to, and to endeavour to suppress and put an end to, the said riots, tumults, and affrays, and the said burning of the said gaols and messuages, and the said violences, breaches of the peace, and outrages aforesaid, and to provide and organize sufficient force for suppressing the same, altho' he was, on the day and year first aforesaid, and frequently afterwards during the time aforesaid, requested so to do, to wit, in the city and county aforesaid; but the said Charles Pinney, during all the time aforesaid, wholly refused and neglected so to do, or to give such orders and directions as were necessary for restoring peace and tranquillity in the said city and county, and as he the said Charles Pinney was of duty bound to have given, and did withdraw and conceal himself, not only from the said persons so unlawfully, riotously, and tumultuously assembled as aforesaid, but also from all such of his Majesty's loyal and peaceable subjects, then and there being in the said city and county, as stood in need of his the said Charles Pinney's orders and assistance, and did wilfully and unlawfully neglect and omit to execute or endeavour to execute any of those powers or authorities by the laws of this realm vested in him the said Charles Pinney, as such Justice of the Peace as aforesaid in that behalf; and did then and there wilfully and unlawfully permit and suffer the said persons, so unlawfully, riotously, and tumultuously assembled as aforesaid, to be and continue so unlawfully, riotously, and tumultuously assembled, in the commission of the aforesaid violences, burnings, and destructions of property, hreaches of the peace and outrages, for a long space of time, to wit, during all the time aforesaid, to wit, in the city and county aforesaid, contrary to the duty of his said office as Justice of the Peace as aforesaid, in contempt of our said Lord the King and his laws, to the evil example of all others in like case offending, and against the peace of our said Lord the King, his crown and dignity.

AND the said Attorney-General further giveth the Court here to understand and be informed, that heretofore, to wit, on the said twenty-ninth day of October, in the year of our Lord One thousand eight hundred and thirty-one aforesaid, and before and afterwards, and at all and each of the several times hereinafter mentioned, the said Charles Pinney was one of the Justices of our said Lord the King, assigned to keep the Peace in and for the said city of Bristol, and county for the same city, and also to hear and determine divers felonies, trespasses, and other misdemeanors, committed within the said city and county. And, the said Attorney-General, further gives the Court here to understand, and be informed, that on the said twenty-ninth day of October, in the year aforesaid, in the said city and county, divers wicked, malicious, and evil-disposed persons, to the number of five thousand and more, whose names are at present unknown to the said Attorney-General, with force and arms, unlawfully, riotously, routously, and tumultuously assembled themselves together, in divers parts of the said city and county, armed with iron bars, iron crows, pick-axes, hammers, and bludgeons, in the said city and county, and remained

and continued so unlawfully, riotously, routously, and tumultuously assembled together for a long space of time, to wit, for the space of two days and two nights, then next following, and during that time, made divers great riots, routs, disturbances, and affrays, and committed divers breaches of the peace of our said Lord the King, in the said city and county; and during the time aforesaid, violently, riotously, unlawfully, maliciously, and with force, broke open, burned, demolished, and destroyed divers, to wit, two public and common Gaols and Prisons, in the said city and county, and then, and there, rescued, and set at liberty divers, to wit, two hundred prisoners, who were then and there lawfully confined in the said Gaols and Prisons, and during the time aforesaid, wilfully, maliciously, and with great force and violence, attacked, broke open, burnt, demolished, and destroyed a certain messuage in the said city and county of, and belonging to the Lord Bishop of Bristol, and divers, to wit, one hundred other messuages, and one hundred other dwelling houses, in the city and county of, and belonging to divers of his Majesty's subjects respectively; and unlawfully, wickedly, and maliciously, and with force, burnt and destroyed divers goods and chattels of and belonging to divers of his Majesty's subjects, then and there being, and greatly terrified and alarmed the inhabitants of the said city and county, of all which said premises the said Charles Pinney, so being such Justice as aforesaid, during the time aforesaid, to wit, on the day and year first aforesaid, and from time to time, whilst the said riots, routs, tumults, and affrays, and the said attacking, breaking open, burning, and destroying of the said Gaols, and messuages, and burning and destroying the said goods and chattels were going on, and proceeding, and being done, and committed as last aforesaid, was informed, and had notice, to wit, in the city and county aforesaid. Nevertheless, the said Attorney-General in fact saith that the said Charles Pinney, so then and there being such Justice of the peace as aforesaid, and well knowing of the said riotous, unlawful, and tumultuous assembly, and of all other the premises aforesaid, but disregarding, and wilfully and wrongfully neglecting the duties of his said office of Justice of the peace as aforesaid, did not then and there suppress, or put an end to, or endeavour to suppress, and put an end to, or use due means or exertions to suppress, or put an end to the said riotous, routous, unlawful, and tumultuous assembly, or to the said breaking open, burning, and demolishing of the said Gaols and Prisons, and rescuing and setting at liberty therein, or to the said breaking open, burning, and demolishing of the said messuages or dwelling houses, or the burning and destroying of the goods and chattels of the said subjects of our said Lord the King, as aforesaid, as he could, and might, and ought to have done, or endeavoured to execute the powers and authorities of the Laws of this Realm, vested in him, the said Char'es Pinney, as such Justice of the peace as aforesaid, in that behalf. But the said Charles Pinney, then and there, to wit, on the day and year first aforesaid, and from thence continually, during the time aforesaid, in the city and county aforesaid, wilfully and unlawfully neglected his duty in that behalf, and omitted to suppress, and put an end to, and to endeavour to suppress and put and end to the said riotous, unlawful, and tumultuous assembly, and the said riots

routs, tumults, and affrays, and the said breaking open, burning, and destroying the said Gaols and messuages, and the said burning of goods and chattels, and to provide, and organize sufficient force for suppressing the same, although he was, on the day and year first aforesaid, and frequently afterwards, during the time aforesaid, requested so to do, to wit, in the county and city aforesaid. But the said Charles Pinney, during all the time aforesaid, wholly refused so to do, or to give such orders and directions as were necessary for restoring peace and tranquillity in the said city and county, and as the said Charles Pinney was of duty bound to have given, and did withdraw and conceal himself, not only from the said persons so unlawfully, riotously, and tumultuously assembled, as aforesaid, but also from all such of his Majesty's loyal and peaceable subjects then and there being, in the said city and county, who might stand in need of his the said Charles Pinney's orders and assistance, and did wilfully and unlawfully neglect and omit to execute, or endeavour to execute any of those powers or authorities by the laws of this realm, vested in him, the said Charles Pinney, as such Justice of the peace as aforesaid, in that behalf, and did then, and there, wilfully and unlawfully permit, and suffer the said persons so unlawfully, riotously, and tumultuously assembled as aforesaid, to be and continue so unlawfully, riotously, and tumultuously assembled in the commission of the aforesaid violence, burnings, and destructions, for a long space of time, to wit, during all the time aforesaid, to wit, in the city and county aforesaid, contrary to the duty of his said office as Justice of the peace as aforesaid, in contempt of our said Lord the King, and his laws; to the evil example of all others in like case offending, and against the peace of our said Lord the King, his Crown, and Dignity. And the said Attorney-General further giveth the Court here to understand, and be informed, that heretofore, to wit, on the thirtieth day of October, in the year of our Lord, One thousand eight hundred and thirty one, aforesaid, and before, and afterwards, and at all and each of the several times hereinafter mentioned, the said Charles Pinney, Esq., was one of the Justices of our said Lord the King, assigned to keep the peace in and for the said city of Bristol, and county of the same city; and also to hear and determine divers felonies, trespasses, and other misdemeanors committed within the said city and county. And the said Attorney-General further gives the Court here to understand, and be informed, that on the said thirtieth day of October, in the year aforesaid, in the said city and county, divers wicked, malicious, and evil-disposed persons, to the number of one thousand and more, whose names are at present unknown to the said Attorney-General, with force and arms unlawfully, riotously, routously, and tumultuously assembled themselves together, armed with iron bars, iron crows, pick-axes, hammers, sticks, staves, and bludgeons, in the said city and county, and remained and continued so unlawfully, riotously, routously, and tumultuously assembled together for a long space of time, to wit, for the space of forty-eight hours, then next following, and during that time made a great riot, rout, disturbance, and affray, and during the time aforesaid, forcibly, violently, and riotously broke open, burned, and destroyed divers, to wit, two public and common Gaols and Prisons in the said city and county,

and then and there rescued and set at liberty divers, to wit, two hundred prisoners, who were then and there lawfully confined in the said Gaols and Prisons, and during the time aforesaid, wilfully, and maliciously, and with great force and violence, attacked, broke open, burnt, demolished, and destroyed divers, to wit, one hundred messuages, and one hundred dwelling-houses, in the said city and county, and belonging to divers of his Majesty's subjects, and wickedly, unlawfully, and maliciously burnt, and destroyed divers goods and chattels of, and belonging to divers of his Majesty's subjects, then and there being, and then and there greatly terrified and alarmed the inhabitants of the said city and county; of all which said premises the said Charles Pinney, so being such Justice as aforesaid, during all the time aforesaid, was informed, and had notice, to wit, in the city and county aforesaid. Nevertheless, the said Attorney-General in fact saith that the said Charles Pinney, so then and there being such Justice of the peace as aforesaid, and well knowing of the said riotous, unlawful, and tumultuous assembly, and of all other the premises aforesaid, but disregarding the duties of his said office, did not then and there suppress, or put an end to, or endeavour to suppress and put an end to, or use due means or exertions to suppress and put an end to the said riotous, routous, unlawful, and tumultuous assembly, or to the said breaking open, burning, and demolishing of the said Gaols and Prisons, and rescuing, and setting at liberty the prisoners therein, or to the said breaking open, burning, and demolishing of the said messuages or dwelling-houses, or of the burning and destroying of the goods and chattels of the said subjects of our said Lord the King, as aforesaid, or endeavour to execute the powers and authorities by the laws of this realm vested in him the said Charles Pinney, as such Justice of the peace as aforesaid in that behalf. But the said Charles Pinney, then and there, to wit, on the day and year first aforesaid, and from thence continually during the time aforesaid, in the city and county aforesaid, wilfully and unlawfully neglected his duty in that behalf, and omitted to suppress and put an end to the said riotous, unlawful, and tumultuous assembly, and to provide and organize sufficient force for suppressing the same, although he was, on the day and year first aforesaid, and frequently afterwards, during the time aforesaid, requested so to do, to wit, in the city and county aforesaid; but the said Charles Pinney, during all the time aforesaid, wholly refused to give such orders and directions as were necessary for restoring peace and tranquillity, and as he the said Charles Pinney was of duty bound to have given, and did withdraw and conceal himself, not only from the said persons so unlawfully, riotously, ynd tumultuously assembled as aforesaid, but from all such of his Majesty's loyal and peaceable subjects then and there being, in the said city and county, who might stand in need of his the said Charles Pinney's order and assistance, and did wilfully and unlawfully neglect and omit to execute, or endeavour to execute any of those powers or authorities by the laws of this realm vested in him the said Charles Pinney, as such Justice of the peace as aforesaid, in that behalf, and did then and there unlawfully permit, and suffer the said persons so unlawfully, riotously, and tumultuously assembled as aforesaid, to be and continue so unlawfully, riotously, and tumultuously assembled in the commission of the

aforesaid violences, burnings, and destructions for a long space of time, to wit, during all the time aforesaid, to wit, in the city and county aforesaid, contrary to the duty of his said office as Justice of the peace as aforesaid, in contempt of our said Lord the King, and his laws, to the evil example of all others in like case offending, and against the peace of our said Lord the King, his Crown and Dignity. Whereupon, the said Attorney-General of our said Lord the King, in this behalf, prosecuteth for our said Lord the King, prayeth the consideration of the Court here, in the premises, and that due process of law may be awarded against him the said Charles Pinney, in this behalf, to make him answer to our said Lord the King, touching and concerning the premises aforesaid. Wherefore, the Sheriffs of the said city of Bristol, and county of the same city, are commanded that they cause him to come to answer to our said Lord the King, touching and concerning the premises aforesaid. And now, that is to say, on the same sixteenth day of April, in the same Term, before our said Lord the King, at Westminster, cometh the said Charles Pinney, by John Oliver Jones, his Clerk in Court, and having heard the said Information read, he saith that he is Not Guilty thereof, and hereupon he putteth himself upon the country. And the said Attorney-General, who for our said Lord the King, in this behalf prosecuteth, doth the like.

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# TRIAL, &c.

# THE KING,

*versus*

# CHARLES PINNEY, Esquire.

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## COURT OF KING's BENCH,

*Thursday, 25th October,* 1832.

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The Special Jury panel was called over, and the following gentlemen of the county of Berks were sworn :—

| | |
|---|---|
| John Hopkins, Esq. | Edmund Gardiner, Esq. |
| John Blagrave, Esq. | George Butler, Esq. |
| John Sivewright, Esq. | Edward Golding, Esq. |
| John Hughes, Esq. | Charles Bickham, Esq. |
| Charles Medley, Banker. | Thomas Harman, Esq. |
| Robert Mangles, Esq. | Charles Townsend, Esq. |

The Information was opened by Mr. Wightman.

Mr. Attorney-General.—" May it please your Lordship, —Gentlemen of the Jury,

" You have heard from my learned friend, Mr. Wightman, that you are called from your homes in the discharge of a most important duty, for the trial of an individual who has been placed in an office of high trust and authority, and who stands charged with having betrayed that trust by not exercising that authority for the protection of those who were placed under his care. He was the Mayor of Bristol at the time that dangerous riots took place there, and we charge

him, on this information, during nearly forty-eight hours of riot, when that city was in a state of confusion and consternation, the most alarming and most dangerous, and when crimes of the deepest dye were committing under the eyes of all, with having neglected the duty of that office,—with having abandoned that duty,—with having withdrawn from being known and discovered by those who might require him to act in the discharge of his office. Such is the very important accusation which we prefer against Mr. Pinney.

"I am sure it will be needless for me to intreat your most careful attention to all the facts that we shall lay before you, convinced as I am, upon the statement I have received, that in the result no doubt can be entertained that that charge will be most fully substantiated. The basis of the accusation, gentlemen, is perfectly public and notorious; it must be proved almost as a matter of form to-day, as it is unquestionably known to all of you, and to all the king's subjects, and indeed to the whole civilized world, that the city of Bristol, one of the very first rank in the British empire, was, for the long period I have mentioned, in the state that I have described; when it is further added, as it appears upon this information, that three Jails, two within the city and one in its immediate vicinity, were broken open by a lawless mob,—that the prisoners were let loose for the perpetration of fresh crimes,—that spoliation and plunder were carried on for a great length of time,—that not only these three Jails were destroyed by fire, but that the Mansion-house of the Chief Magistrate was also so destroyed; that the Bishop's palace was reduced to a heap of ruins, and that after that period the houses of many individuals were plundered and demolished, to the extent of little short of forty of the best houses in the town. I state nothing but what is familiar to you all, but which I think, in the mind of all, raises at once a prima facie case against the Magistrates who were invested with authority, and leads every one to enquire, during that long and fearful period, where were those Magistrates—what was their conduct

—in what manner did they exert their authority—and what precautions did they take to prevent such dreadful evils? It were an idle waste of time to gentlemen of your intelligence, to pretend to lay down the duties, as the law books describe them, of Magistrates upon those occasions. The very name of their office describes them sufficiently for the present purpose. All Magistrates are emphatically conservators of the peace. When the peace is threatened, when the peace is endangered, it is their duty to interfere to preserve it; and when it is broken, by the most alarming crimes, they are called upon by their office itself to endeavour to prevent those crimes by all the means in their power; among which, the principal is the authority with which they are invested by the law, of compelling every man within the sound of their voice to take up arms, if it be necessary, and to employ all the force they are capable of assembling, for the preservation and restoration of the public peace. Such is the known duty of every Magistrate—the duty assumed by all the gentlemen of England in their several counties—a duty imposed upon those corporate Magistrates, who, as in the present case, are, by their charter, invested with similar authority.

"It is well known that the neglect of this duty may expose a Magistrate invested with this power to serious consequences. Though fortunately in our legal history the examples are but few, there are some of a remarkable nature; for in the riots which in the year 1780 ensued when the Parliament thought proper to relax the laws against the Roman Catholics, it is well known that the Lord Mayor of London was charged with a neglect of his duty, not very dissimilar to that imputed to the present defendant, and that he was brought to trial and convicted of that offence, though, from the accident of his dying before he could be brought up for judgment, there is no record of the ultimate conclusion of that proceeding. But, gentlemen, it is also well known that the law extends a liberal protection to every Magistrate who acts bona fide in the exercise of his authority; it is well known that those who would be pu-

nished if they did not exert their power would receive the fairest consideration of all their conduct, and the amplest protection the law would give to his intentions, even though they should not be with strict propriety exerted. The law requires every individual Magistrate, under such circumstances, to act with vigour, and decision, and resolution, for the protection of the peace; and in case of any small excess of power, covered by his own good intentions at the time, he need not be afraid of any severe consequences either of a civil or a criminal nature.

"I ought, gentlemen, perhaps, in the outset of the case to state to you, that there appears to have been very considerable mistake in the view which this gentleman took of the duty of his office; for while these dangerous riots were going on, it appears to me he conceived that if he once called in the aid of the military for the purpose of putting down the disturbance that was raging, and if he required them to act upon their views of the necessity of the case, and of course upon their own responsibility, he altogether divested himself of his own; and I think that you will find that that unfortunate desire to withdraw from the duties of his office and to transfer them to the military officers, as though they had been the military governors of the city, ran through his whole conduct and led to the unfortunate consequences we have to deplore. But, gentlemen, it is well known it is an established law of the land, laid down in the House of Lords by Lord Mansfield and Lord Thurlow, on the occasion to which I have alluded, when the riots in the year 1780 were discussed, that a soldier in respect of his individual duty stands in no other situation than the other King's subjects; it is not because he is under military orders, or because an officer has a military power to issue them, that any thing like martial law exists in the country; they come in aid of the civil power,—the civil power is forced to act, the civil power is to place every other power in motion, and it is merely as King's subjects, and not as a hostile force, that soldiers can be required to act in the most dangerous and alarming riots. Gentlemen, I am stating upon that occasion a doctrine which

is open to no question; it has been laid down in all times by the highest authority; it was then stated, as I have mentioned, by those noble persons; and it happens that that very useful work, Burn's Justice, contains an opinion laid down by Lord Ellenborough, when he was chief justice, upon that subject; and it so happens that in the late proceedings in the City of Bristol, when many of the unfortunate persons, who were led into crimes upon the occasion of those riots, were brought to trial, Lord Chief Justice Tindal laid down the same rule of law in the most distinct and perspicuous manner. There is no doubt that every one of the King's subjects is authorized of his own head, if he thinks proper, to put down riots by any force within his power. Every military force which happens to be collected there is invested with the same authority; the officers may give those orders, but the military are always bound, from the dangerous nature of the weapons they employ, to act with the utmost caution upon the subject, and nothing can be so desirable as that the military should always have the authority of a Magistrate to conduct those proceedings which may be called for. Now, gentlemen, that cannot always be obtained; the Magistrates may be at a distance; but in this instance the Mayor was always upon the spot, and repeatedly calling upon the military officer, Colonel Brereton, unfortunately now no more, under circumstances to which I will not allude, to make an end of the riots which existed on the Saturday evening; he gave it as a sort of commission that he was to go out into the streets and exercise his own authority, but he did not accompany him at the moment for the purpose of seeing that that authority was properly exercised, or according to what he as a Magistrate felt to be a necessity that required its exercise. Gentlemen, I state this in general terms, because I think it will appear almost a leading principle in the mind of this gentleman throughout those proceedings.

"On the Saturday morning, in the first place, it is perfectly well known that Sir Charles Wetherell coming as Recorder to open the assizes for the City of Bristol, was received with

great insult and contumely, that a mob assembled, and that when he went into the Mansion-house, the Mansion-house itself was assailed, not only with violent language, and with breaking windows and other acts of outrage, but that persons remaining did for several hours together break in the windows, and doors, and the walls, that they were able to enter the house in considerable force, and that even upon that evening they brought combustibles into the Mansion House for the purpose of greater and more horrible mischief. I may state at this moment, in passing, that the Mansion House is provided for the residence of the Mayor, who is elected, not out of the Aldermen, but out of the Common Council, the Aldermen having each their ward of the City, but he having an authority which runs through the whole of the city; but the Aldermen are required by Charter to be present, and the very oath of the corporate Magistrates is that they should be on the spot for the purpose of resisting any ebullitions of popular tumult which are so likely to occur when great bodies are called together.

"Gentlemen, it will appear that, in consequence of the proceedings of the mob, the Riot Act was read, and the Magistrates remonstrated with them, desiring them to leave the place, and stating, that if they should continue assembled in the riotous manner they were, some further measures would be necessary. They still continued assembled; the troops were sent for, the Riot Act was read a second time, and the troops, going forth among the mob, frequently cleared the streets without any bloodshed; but the mob were not altogether dispersed. In the course of that evening, more than once, Colonel Brereton was required to clear the streets, in rather decisive terms, but Colonel Brereton could never obtain from the Magistrates those precise and specific orders which, in his judgment, were necessary to enable him to take measures of more determined violence; for when he was told to clear the streets, and inquired in what mode he was to proceed to do it, by the Magistrates, whether by violence or not, the

answer was, that he was to do it in any way he thought proper. But that was imposing upon him a responsibility that he might well pause before he undertook, for where a Magistrate gives the authority, he is to know that it will be properly exercised, and that the ground for its exercise does exist. The mob, in point of fact, were dispersed at different times; there was a cessation of that violence, and occasionally, as the individuals withdrew, several of the special constables were dismissed by the Magistrates themselves, they thinking there was no further danger. In the course of that night, however, independently of the attack upon the Mansion-house, which was in Queen-square, another act was done by the mob, which indicated more deep intentions of mischief, for the Council-house, at a distance, was attacked by a part of the mob. A party of the 14th Dragoons, which were in the town of Bristol in consequence of orders from the Government, in defending themselves against the mob, as they state, had fired some shots, and had killed one of the rioters, which led to a state of exasperation exceedingly unfortunate in reference to future events which occurred.

"I should state to you, now, that the Mayor and Magistrates had full expectation of the mischief which did arise. Several days before they stated to the Government their doubts whether Sir Charles Wetherell could prudently appear in the town at all; and it was afterwards agreed that he should appear, and that the Government should provide some troops in aid of the civil power, not with any view of having the city handed over to any military force, for the exercise of that authority which the small number of men, who could be spared for any particular point, could not undertake; but it would be necessary, in order to have that military power act with any degree of effect, that the civil power should co-operate with it. On that night, however, these dangerous indications took place, and this most unfortunate circumstance of the man being shot produced a firing between some of the troops and the great bulk of the mob.

"Now, gentlemen, supposing I were to admit, which I do not, because I think there was much more to be done on that night than was in fact done; but supposing I were to admit, that the Mayor exercised the best of his power on that night of Saturday to prevent a tumult, the question would arise, how far he could possibly be justified, after such appearances as these, in not summoning all the Magistrates and all the civil force in the first place, to meet at the earliest possible hour on the Sunday morning, to see whether the same symptoms of mischief then continued, and to provide the means of putting it down? If such should be the case, it does not appear that either on the preceding evening, or on that morning, any sort of organization of the civil force took place. It has been said, that the conduct of the special constables was provoking to the mob—that they irritated them by making a sort of irregular sally against them now and then, for the space of two or three hours, when assembled against the front of the Mansion-house, but without making any general attack upon them; and, certainly, some of the Magistrates, and, I believe, the Mayor among the rest, threw some degree of blame upon the special constables for that line of conduct; but there was a total want of all organization of the civil force, beyond the fact of their calling forth about 300 special constables, some of them citizens who volunteered for that duty, and some hired for the purpose. Undoubtedly the Mayor did, on two occasions, read the Riot Act; but there was no personal interference of the Magistrates—no personal exposure of themselves as the leaders of that military force—no offer to go along with the military where the sword might be required to be used, as I apprehend you would think there ought to be, before the military were called upon to exercise their power on the bodies of the assembled multitude. But, gentlemen, on the next morning there was no provision made for any meeting of that kind. As early as seven o'clock the barricades which had been placed against the Mansion-house windows were pulled down by a large assemblage of the mob. I do not find any

proof in any statements on the part of the Magistrates, that they formed plans to collect any civil force for the purpose of restraining that mob. If they looked to the military, it is clear that the military would, after two or three charges, however destructive, have exhausted all their fire; and if the mob continued assembled after the military had spent their force, without any civil force being collected to prolong that resistance, it is quite evident that such attacks by the military force would have left the city the more entirely at the mercy of the mob. But no civil force was collected; the Mansion-house was continued to be assailed, and there was one thing led to a greater excess, for the cellars were entered, and the wine was taken away, and a great portion of the mob becoming intoxicated, became exceedingly violent, until it was necessary for the Mayor, not having that force about him, which I apprehend he ought to have made some effort to call about him, was compelled to leave the Mansion-house, and go to the Council-house, and there endeavour to meet some of his fellow-citizens, whom he assembled in the manner that I will describe.

"Gentlemen, the Mansion-house is in a part which is called Queen Square, the corner house of Queen Square and Charlotte Street,—(I will hand a plan to you by and by) a part of the town considerably distant from the Council-house; and in order to get from thence to the Council-house it would be necessary to cross a Drawbridge,* leading to another part of the city, the city being intersected by various harbours and basins. The Council-house was therefore at a considerable distance from the Mansion-house; the Mayor summoned the citizens to attend at the Council-house at half-past ten o'clock, but he did not so with the voice of authority, not as a man who knew he had a right to call them together, but he wrote a sort of private invitation, which left persons as free almost to go elsewhere

* The Attorney-General was misinformed in this particular.

as to come, and which was not likely to be attended to, when without organization men were thus invited to meet the danger which presented itself. I do not know that the attendance was very large; there were numerous citizens in anxious hopes of being employed in order to suppress the violence going on, and to provide measures for future security, but there was no plan whatever devised by the Magistrates; on the contrary there was a kind of advertising for plans, and a hope that some one would propose something or other, when there could be nothing more distinct than the duty imposed on the Magistrate, namely, that he should call on every one to act; that he should insist on it by virtue of his authority; that every one, however high and superior to him on ordinary occasions, should become his officer for the purpose of repressing the riot. No such thing was attempted on his part; on the contrary, debate and discussion was invited by the Magistrates; they hoped that something would be proposed. A great deal was said about the military; the military in consequence of the unfortunate shot which had taken effect the night before, appeared to Colonel Brereton to be in so very bad a state with reference to the mob, that it was his decided opinion they ought to retire from the town. I believe it will be proved to you that the Magistrates agreed in that opinion, though they were extremely unwilling to lose any force that might be by possibility brought to bear upon the mob.

"Gentlemen, it appears that about the hour of eleven, the assembled Magistrates received at the Council-house notice of an event of the most important description; for I think it will appear to you that while a mob was pervading the town and getting the upper hand of the respectable citizens, one of the first objects should be to see that all the Jails were perfectly fortified, and no attempt made to let loose the prisoners, and so increase the mob by the malefactors. They heard, about eleven o'clock, that the Bridewell was about to be attacked; and now I will tell you the Council-house is at the corner of the street called Corn Street, and that the Bridewell

is in fact in that very street; that going down the street the Council-house forms the corner, and a little further on you come upon the Bridewell. The Bridewell therefore was very near the Council-house; persons were assembled at the Council-house for the purpose of knowing whether they could be beneficially employed; they heard at the Council-house that the Bridewell was about to be stormed, but nothing was done to save it. When that therefore was announced which ought to have been anticipated and rendered impossible, and you find no step taken to check those persons who were engaged in destroying the Bridewell, let me make this, which I think an important observation, with reference to the general conduct of the Mayor; that though many complaints were made against Colonel Brereton, for not doing that which the Magistrates required, under general orders, he was not directed to this place; he was not told there is a civil force which I will head, however small, and go and endeavour to defend that Bridewell, and I insist on your troops being present to support them in case they need support. Nothing of that sort was done on the part of the Mayor or the Magistrates, and during three hours the storming of that Bridewell took place by a mob really insignificant in numbers, and by no means exasperated in point of violence. During three hours that siege took place in the very neighbourhood of the Council-house, and not a single attempt was made to prevent the Bridewell being destroyed; and that is the more singular and remarkable because it is within hearing. I mistook the geography, it is not in the same street with the Council-house, but in the same neighbourhood, and I apprehend within hearing when the hammers were beating down the walls; I apprehend they could not fail to hear what was going on. This Bridewell is most remarkably situated; there is the Governor's House on one side and the Jail on the other, and a very narrow passage; that very narrow passage has gates at both ends opening into one street at one end, and a street at the other; a place more susceptible of defence is hardly possible to de-

scribe; and if only a few of the sheriff's officers in attendance on the Corporation had been placed there when notice was first given that the Bridewell was about to be attacked, it must have been attended with success. On the contrary, after three hours, during which there were some citizens applying for instructions which they could not receive, the Mayor and Magistrates were expressing themselves in despondency from the want of military power; there was during that period no resistance made; this place was pulled down and the inhabitants of it became the plunderers of the town.

"You will easily conceive, gentlemen, the encouragement given to wrong doers by such success; and you will not be surprised that having gone in the first place to rescue the rioters whom they supposed to be in the Bridewell, that they should go to rescue those whom they believed to be in the Jail, and that they should there pursue the same course of violence. No previous arrangement was made to prevent it; and you will find that the Jailer, a servant of the Corporation, hearing what was likely to take place, and knowing from one triumph they were very likely to go on to another, came to the Magistrates at the Council-house and told them what was likely to take place, and asked for instructions, but no instructions could be obtained; there was some debating, and at last he impatiently asked, thinking he ought to be acting rather than receiving orders, what am I to do, gentlemen?—The answer given by one of the Magistrates, in the hearing of the Mayor, was this most remarkable one, still shewing the same desire to evade responsibility: why, Mr. Humphries, I do not know; perhaps the mob might be appeased by the prisoners being set free; now mind, the Magistrates do not recommend that course to be taken, but if you should think fit to do it, and you think the mob will be pacified, that will be a matter for you to consider. Instead of providing him with all the means they would be able to command for making resistance, such was the indecisive language they held to an officer having the principal control of the Jail of Bristol, as to the course he should pursue.

The Jail was soon afterwards attacked. Not even then were the military called upon to act. Surely the Magistrates might have said, we can muster twenty, thirty, or forty constables, and let them go and act with the troops, so that the troops may support them in case of resistance; but some constables, with two of the Aldermen at their head, went at one time and the troops at another, without concert, one going out almost as the others came in; the natural consequence was that the mob got the upper hand and drove them both off the place.

"But, gentlemen, what I have said of the Bridewell, from its being so easily defensible, is still more applicable to the Jail, for there was never a place which presented a more complete front to the enemy than that; the walls are very powerful, and the approach extremely difficult; the doors are strong, and the entrance extremely narrow in the front of the Jail; there is a float or basin in such a position that any person attacking it might have been driven into the float connected with the New Cut of the River Avon; so that there never was a place which admitted of more easy defence than this Jail; and if there had been a little pre-concert between the Mayor and the commanding officer of the troops, so that they could have been brought in to support and aid the civil force, I do not see how it is possible that that Jail should not have been successfully defended. It was not defended, and the prisoners, to the number of 150, were let out of the Jail for the purposes of plunder and conflagration. Further measures of the same sort were resorted to; the Dock-gates were fired, the Toll-houses were fired, a third prison broken open,—not one within the jurisdiction of the town, but very near it, within the county of Gloucester, —the same mob committed that outrage, and of course released so many other persons willing to join in the outrage.

"Gentlemen, I have stated, that during the time the Bridewell was fired, there was not a single effort made; during the firing of the Jail there was but one effort made, and that too late—of the nature I have stated; and I should mention, that during the whole of this day, there was one most remarkable

feature in the conduct of the Magistrates; when they talked of going to resist, or going not to resist, but of seeing what was going on, they were advised not to shew their staves—they were not to act as Magistrates, but to persuade these persons to disperse; and among all the devices proposed, almost the only one resorted to, to restrain this most dreadful tumult, described by the Mayor himself as one of the most dreadful scenes which had ever been exhibited, was to get a dissenting minister, a gentleman, I believe, of great respectability and great power of eloquence, to go and make a speech to these persons; a most hopeless exertion of eloquence I should think; but still shewing that if the Mayor had any expectation that a speech would have any effect, those who would be accessible to that would not be altogether blind to their own interests, and if there had been a tolerably organized force accompanying the speaker, they would have thought a little of their situation, and have paused before they proceeded in such a course of crime.

"Now, gentlemen, I have stated to you clearly what was going on, and the conduct of the Mayor and the Magistrates. The Mayor being the principal person who took the lead, the person naturally looked to as the leader, the constant efforts of the citizens to obtain employment, without being able to do so, for the preservation of the city, it was arranged that they should separate and meet again about half-past three o'clock. Then it was hoped something might be proposed. At that time many of the citizens did meet,—there was still no plan—still an invitation for discussion and debate, but no orders given, no authority exercised; nothing was said on the part of the Mayor shewing he felt himself in a situation to command, lead, or do any thing to put down the most violent tumult that was then raging. But on the contrary, it was said by a gentleman,—indeed before that some of the citizens said in reference to a particular ward or parish,—'we have less than eighty or near an hundred men capable of acting;' upon which the Mayor said, 'I am very happy to hear it.' 'I hope,'

said one of the gentlemen, 'they will be permitted to use arms.' The answer was, 'Oh, we must not use arms,—that is a very doubtful point,—every one may defend his own; but if they are to act against the mob, I can by no means authorize them to use arms.' 'On the contrary,' said the Mayor, 'they must not use arms; if they destroy any person they might be hanged for murder.' Gentlemen, that was most assuredly a most singular piece of law and of common sense, at the very time they were calling upon the soldiers to come and employ the lead and steel for the destruction of those who stood about the streets doing little or nothing. To say that citizens could not disperse those who were destroying their property by these means, appears to me a very extraordinary view of their duty and their situation; it shews the degree of negligence which this information charges against the defendants.

"Again, when they came at half-past three, when the same questions were put, 'what course must we take, and what are we to do?' those gentlemen were all told, 'you must act upon your own responsibility,—every one of you must act upon your own responsibility,—we have no advice to give.' And then it was said aloud at that meeting, 'it is now half-past three o'clock,—in an hour and an half it will be dark, and it is now necessary that every one of us should look to our own safety,—that we should take care of ourselves;' in short, that no concert was to be carried on, that no further attempt was to be made. Under those circumstances, that meeting, summoned at half-past three to consider of a concerted resistance to the tumult, was separated. This having been said in the presence of the Mayor, the Mayor neither approved nor dissented from that opinion, that they were each to look after their own safety, and that no care was to be taken as a united measure of the interests of the City of Bristol.

"Gentlemen, another suggestion was made after this, which was adopted by the Mayor. Of course you are aware, not supposing I am a reporter of the debates at large, numerous conversations took place, which will be stated by the witnesses.

I am giving you the result which I understand the witnesses will prove; but it was suggested, that in the absence of the military, they had no chance of making head against the mob, but that they might call out the posse comitatis, and it was suggested at this time, between three and four o'clock, when damage was already done and was doing, and so much more likely to follow, that at six in the morning, at the distance of fourteen hours, the posse comitatis should come together, and then proceed to some act or other for which they were not then prepared, if any part of the mob should remain to be dispersed. Gentlemen, if that kind of mockery is to be practised,—if it should be possible to suppose, which I do not suppose, God knows that there was even a wish that this should go forward, —I do not know how that could be more effectually done than by the very palpable absurdity of telling persons to separate while the mob was plundering the city, to go home quietly while the mob was still increasing, and to meet again the next morning, when the whole evening and night had been devoted to their acts of plunder and devastation.

They did not altogether separate at that time,—the Magistrates remained at the Council-house. It was stated that another attack was made at the Mansion-house, on which certain observations were made; the Mansion-house was destroyed that evening, and then there was word brought to the Council-house that the Bishop's palace was about to be attacked. I believe it was at about that period that the witnesses stated, that they had a considerable number of most respectable gentlemen collected together who were exceedingly desirous of going to see whether they could make any impression upon the mob; but, they said, we must be headed by the Chief Magistrate,—we must insist upon it that we shall be headed by him. The Mayor made a reference to some gentlemen there, and he said he would accompany them, and they went down to the street and gave three cheers for the Mayor as the leader of their body; they then turned back in order to let him pass through them, but when they looked back, instead

of finding the Mayor to take the lead, they saw him return into the room from which he had come, and they then went on by themselves, but afterwards gave up the whole as hopeless, finding they were not led on by the Mayor.

"Gentlemen, the Bishop's palace was fired; and the Mayor went down, it seems, to the College-green, which is near the Bishop's palace, and there was the Recruiting Office of Colonel Brereton. He states himself that he was going to the Bishop's palace in order to render some resistance, but what resistance he was likely to offer, or what he had the means of doing, or what civil force he had collected, I am not able to prove;—that will be proved perhaps by the other side; but he went twice to the office of Colonel Brereton; a message was sent for an old coat; the Mayor states, that seeing the main body of the mob coming in one direction, and thinking that the mob plundering the palace was likely to be joined by them, whatever force he had was too small to resist, and therefore he left that place. Now, whether there was any organization or anything like an authority that could have given resistance, I cannot say, but he went to the office of the Corporation and conversed there with the Town Clerk. He sent soldiers, some of whom I shall call, but merely to ask for the means of securing his own personal safety. He required to be told how he could escape, and after a good deal of waiting and watching, he did escape, and withdrew himself from the place, having looked from the Recruiting Office on the flames of the Bishop's palace, and seen what the mob were doing. There was at the time a volunteer body of gentlemen who entered into a conflict with the mob, and who at one time had almost succeeded in driving them out. I leave you to judge what effect it would have had upon the general chances of the safety of the town if the Magistrate had been there to give the comfort and aid of his presence, and to notify that the authority of the law was aiding in the resistance to that lawless attack.

"It is charged, gentlemen, in this information, that the Mayor hid and secreted himself, so that he was not to be found by

those who might wish to see him; and that charge is to be made out from the period of his escape at the time the Bishop's Palace was on fire; he then made his escape, and some time afterwards he called at the Sheriff's,—I think in Park Street, further than Queen Square,—he called at the Sheriff's and saw the servant; another Alderman was with him, and he told the servant that he was going to a private house in Berkeley Square, Mr. Fripp's, No. 30. He said to him, if any of the Aldermen want the Mayor he is to be found at No. 30, Berkeley Square; remember, if any of the Aldermen want him there. Upon which he said, Oh, I know what you mean; I will take care not to betray his Worship. Accordingly, he said, he considered himself bound not to tell where the Mayor was gone. The Mayor went to this house in Berkeley Square between eleven and twelve at night I believe; I do not know exactly, nor do I know how to account for him between the time of his being at College Green and this time. He sent to Colonel Brereton a note, that he desired him to exert himself to put down the riot, and that he was to be found at Mr. Fripp's in case a Magistrate should be wanted, (which Colonel Brereton was at that very moment in search of) but he was not at the place to which that note was conveyed. But a most remarkable circumstance happens here, namely, that the troops which had been actually sent for by the Magistrates entered the town, and that they were in search, with Colonel Brereton, of some Magistrate, to direct them what to do; but they were not able to find the Mayor. Captain Codrington, who in the most praiseworthy manner had brought them, was parading the streets in hopes to find the Mayor, but could not. Early on the Sunday morning the Mayor had very properly sent a messenger from the Council-house to request Captain Codrington to bring the troops; the messenger came back at the period I refer to, but he could find no Magistrate; and when he was speedily followed by the gallant officer who brought the troops, on the summons he had received, that officer was equally in default; he searched the town in vain for some considerable

time, and left the town with his troops because no Magistrate could be found to give him any direction.

"Gentlemen, at a later period of the night, two private gentlemen, one a medical man and another a gentleman in business, felt the alarming state of the city from seeing the houses in Queen Square one after another consigned to the flames, by a mob that was really insignificant; many of them in a state of intoxication, and many extremely young, and proceeding to all this violence merely from the encouragement of not being opposed. These two gentlemen went in search of the Mayor, and after calling at one or two houses, they made a guess, and they happened to guess right, that the Mayor might be at the house of Mr. Fripp, in Berkeley Square. They went to the house,—Mr. Fripp came to the door; they asked whether the Mayor was there; for some time they could get no answer; after some time it was acknowledged he was there, and then a note was brought from the Mayor (he being up stairs at the time) accompanied by directions that they should not state where the Mayor was; but that note, written by the Mayor, was a note to authorize the employment of military force to clear the town. This was at a distant part, a place where the Mayor no more saw at that moment, than you see at this moment, what was going on; he had no power of guiding the movements of the military, but he left them to act on their own responsibility, without anything like a knowledge, as a Magistrate, that the least necessity for such interference existed.

"I should state, gentlemen, also, that a Major Beckwith, with some of the King's troops at Gloucester, received a similar notice at one o'clock in the morning, and with great promptitude he led a small body of men into the city of Bristol. He also had some difficulty, but he did meet some of the Magistrates in the course of that morning; and though he had a strong feeling of the necessity by all means of their presence as likely to prevent much mischief, he was extremely desirous of having the sanction and authority of the Magistrates to act. It was then getting daylight, and seeing the

Magistrates assembled at the Council-house, the Major requested them to act. He wished them to get on horseback and come into the streets, to which every one gave a refusal; some saying that their property would be endangered,—another, that he was not popular,—another, that he had not rode for eighteen years, and so on;—not one chose to accept the invitation to go and lead the troops. It may have been thought a little too much that a Magistrate should have got upon a horse that was strange to him; but there was no attempt to place themselves along with him in a situation in which he could act; in consequence Major Beckwith had to take it into his own hands. He rode through Queen Square on Monday,—the two sides of which were blazing, or reduced to ruins,—and a third beginning to be burnt; and with very few men, and very little trouble, he made an end of it in about a quarter of a hour. There is no doubt that the persons who were committing this violence were by that time exhausted; but at all times there is a chance of making an impression on rioters. There was a peculiar facility, many being young, many being drunk, and there being at all times a great number of spectators rivetted to the spot by that curiosity which is highly culpable; but nine-tenths of those present appear to have been taking no part in that which was going on, and in great probability many of them might have been ready to take part with any person who took measures to put them down. It was put down by Major Beckwith, only one subsequent charge being made by the Major, after experiencing a loss of property to the amount of about £100,000, and I am afraid a loss of lives to the most formidable extent; for among these ruins the unfortunate perpetrators of the mischief were found in great numbers, and many lives were lost by the charges the soldiers were obliged to make.

"Now, gentlemen, these are the general circumstances of the case; and what we charge upon the Mayor of Bristol is, that he did not in any degree exercise the power of that office as he was bound to do;—that he exerted no authority which he had for the preservation of the public peace and protection of

the citizens, but that with full knowledge that other mischief was likely to ensue;—with full notice on the Saturday that they were likely to be repeated with the same violence on the Sunday;—that they were rapidly committing one mischief after another, the most dangerous and fatal,—this gentleman, having full power to call in the assistance of every citizen, on the contrary threw himself on their mercy, to suggest something which they had no business to consider, and which the Magistrate ought to have dictated and imposed upon them; and not even calling upon the military at a period when the military should, in concert with the civil force, have taken some decisive means of restoring good order.

"Gentlemen, it will occur to you that in a riot of this kind there are some particular places at which every body would look more particularly as places to be defended; the Jails I have already mentioned; the Banks, probably, are another; fortunately it does not appear that this mob thought of proceeding to the Banks; but one gentleman connected with the Banks attended at the Guildhall or the Council House to request assistance; he was told that the Magistrates could do nothing; that he was to do the best he could for himself. Now, gentlemen, even if it were to be admitted that there was not the least chance at any one single moment of making any head against that mob, or of making any impression upon it, at any time brought to the Magistrates' knowledge, still I should submit to you, under the direction of their Lordships, it was the duty of the Magistrates to collect the best force they could, to use, when they could use it advantageously; that if they had not ten men round them besides their own officers, it was their duty to make them a nucleus, around which a force could be collected. I submit it was their duty to have that force prepared, and that they were not at all justified in doing any thing to discourage those who offered their assistance, or send them to their own houses.

"You will find there were particular classes of individuals, as there must be in every great city, who would naturally be

looked to, to attend upon such occasions. There were the Chelsea Pensioners, who had on former occasions exerted themselves, came and offered their services; the answer was that they had no means of employing them; they said we have no objection, we should wish to exert ourselves, but we must have arms. Oh, the answer was, we can give you no arms; and something was said about the danger individuals would incur by using arms. You know on such occasions the gunsmiths' shops are very fit to be looked after; if any clever fellow has a wish to arm himself, he would go there and arm himself. I think this occurred late in the day, but it shows the mode in which the whole matter was conducted by the Magistrates, and their great supineness. Early on the Monday morning a gentleman came and said that they had been estimating the number of guns at the gunsmiths' shops, and found they amounted to nearly eight hundred; on which it was suggested that something had better be done with them; that they must not fall into the hands of the mob. One of the Aldermen said, 'you had better throw them into the float.' The answer given was, 'surely you are not serious in giving that advice; better arm persons with them.' Undoubtedly that would have been the conduct of men of common prudence, exercising the most ordinary discretion,—not requiring any profound knowledge of the law, or any deep and political views on the part of the Magistrate; all these suggestions are what common sense ought to bring home to every man.

"One side of the Square contained the Custom-house and Excise-office; a great number of persons are employed at those several departments. It was, indeed, the Sunday, but supposing there had been a notice given to the heads of the departments, that there was a chance of this violence being committed, it might have been desirable to bring forward all the persons employed in those several departments; but no such thing was done. Two respectable gentlemen, Catholic priests, came and said they could produce two hundred sober Irishmen, who would be ready to give their assistance in

putting down the mob. But no such offer was accepted; they were told that the Irishmen were very likely to drink; and that might be so, but they would not listen to the suggestion; and so as to every suggestion, there was a constant answer that there was no power to do it,—that they must lie by and wait till the military came,—and that without the military, the civil force was not even to be organized and kept together for the purpose of making a defence whenever they should be able to act.

"Now, gentlemen, I have endeavoured to go through all the particulars of the case, as far as I can recollect them. You will find that being a case of negligence,—a case in which, at every particular instant almost there was something to be done which was omitted, we shall lay before you those facts which, I understand, took place, and you will consider whether you do not find a great variety of periods at which it was the duty of every Magistrate, and particularly the Chief Magistrate, to exert themselves to the utmost to get together such a force as might be useful in restoring order. You will recollect these are exclusive Magistrates,—the county Magistrates could not act in the city at all,—and that to them alone was the care of the city confided.

"Gentlemen, I shall call various witnesses to prove this case, but I shall also lay before you a statement of the Mayor himself, made after the end of this tumult; because on the fourth of November, when the peace of the city was restored, the Mayor thought proper to send to the Secretary of State for the Home Department a statement of what had taken place in Bristol; and it may be convenient, I think, in the first place, to show how he shapes that statement, and it will be very convenient as describing the general train of events. In this statement, of course, you will not find any of the outrages or the misconduct of the rioters under-stated. You will find it, probably, put in the strongest point of view, so as to make out an excuse for the Magistrates; but even if this is supposed to be its fullest extent, it appears to me that it will leave such

a mass of neglect on the Mayor, for the want of ordinary precautions, of a very serious description, as must necessarily oblige you to say he is guilty of the misdemeanor we charge upon him. For instance, I will read to you what he says;—we shall by and bye read the whole. 'About eleven o'clock on the Sunday this intelligence was brought to the Guildhall, where the Magistrates then were; that the mob were proceeding in considerable force to the City Bridewell, with the declared purpose of setting at liberty some prisoners who had been taken into custody and committed thereto on the Saturday. At this time the special constables—being principally tradesmen of the city, who had been on duty from eight o'clock on the Saturday morning,'—from that you would infer that they had been on duty during the whole night, which was not the fact,—'had returned to their houses, and only a few of the citizens had answered the Mayor's request by coming to the Guildhall, and those who did attend, expressed their readiness to act, if they were supported by the troops; but at the same time, their unwillingness to risk their lives unless they could be so supported. At this time, Colonel Brereton applied to the Magistrates for their authority to send the two troops of the 14th Dragoons out of town, stating that the mob were so exasperated with them, in consequence of their having fired, that the lives of every man of them would be sacrificed, if they remained.' Now, gentlemen, you have here a statement by the Mayor, that at eleven o'clock the news came of the Bridewell being to be attacked; we shall show that went on for three hours; the reason stated for its not being defended was, that the special constables were exhausted; but they were not, in truth, exhausted, and there was no reason for their not being called again; and there were other tradesmen in the city, and merchants, who were ready to give assistance, but no attempt was made, nor were the troops called upon to do anything for the salvation of that particular place.

"Then afterwards we hear that, 'the mob having carried Bridewell by force, and liberated the prisoners, and set it on

fire, and being about, as was alleged, to proceed to the City Jail for the like purpose, several citizens having by this time assembled at the Guildhall in pursuance of the Mayor's requisition, and being called upon to give their assistance, stated in Colonel Brereton's presence, they would not act unless supported by the military. Colonel Brereton was again peremptorily desired to call out the troops immediately, and again gave for an answer, that he could not do it, as their lives would be sacrificed without being able to do any good. The mob proceeded, as was expected, in getting possession of that prison; two of the Magistrates having gone down with such civil force as they could collect, were driven back,—the particulars of which, and the conduct of such of the troops as were brought out on that occasion, are detailed in the account furnished by the Sheriffs.' Now, gentlemen, it is perfectly true many of the citizens who came were exceedingly anxious for the support of the military; but it is also true, that they were ready to act if they could do so with safety; but the answer of the Mayor was, 'Oh! I cannot give you any authority for using arms; you must act on your own responsibility, and that is a most severe one, for if any life is lost, you may be called upon to answer.' Thus the Jail was left till it was too late to make resistance, and the consequence followed.

"After this period, it is stated by the Mayor that 'the Magistrates by this time had established themselves, as well as they could, in the Council-house; the Sheriff and a party of the Citizens remaining at the Guildhall; between both which places a constant communication was maintained, but no sufficient force, either of citizens or special constables, could be obtained to enable the Magistrates to engage in further conflict, after the result of their endeavours to relieve the Jail.' As if, in point of fact, there had been a great conflict going on, and the Magistrates heading it for a considerable time; when, in fact, it was only a small volunteer force, two Aldermen volunteering to join it, who had gone too late to do any good;

because there had been no previous plan for the protection of the Jail.

"We have afterwards this stated as to the Bishop's Palace: 'the mob proceeded from Lawford's Gate,'—which is the third prison they destroyed,—'in two divisions to the Bishop's Palace; and the Mayor, with several persons who had been with him during the day, and followed by as many citizens as could be collected, went down to the scene of action.' One would suppose that was to take a decided part, the Chief Magistrate 'having given orders for all the troops which could be brought out to be there. The first division of the mob having entered, were followed by many of the special constables and the soldiers, who formed inside the court; and it was hoped the ringleaders might be secured.' Any material interruption to the ringleaders by securing them, after the three Jails were all destroyed, was rather a hopeless object. 'But just as the citizens came in contact with them, the main body of the mob were heard advancing. The Mayor and the few persons who were with him, between the two bodies, with difficulty passed through them, and the constables who had attempted to secure some of the mob, on looking to the place where the soldiers had been posted, in the hope of finding support, observed that the soldiers were gone; and finding themselves deserted got away as they could, declaring that they would not again venture their lives;' a most unfortunate example of the want of understanding between the soldiers and the Magistrates. He then proceeds in this way: 'the Palace was immediately set on fire, and consumed.' This was followed by the firing of two complete sides of Queen Square, containing nearly forty houses, including the Mansion-house, the Custom-house, and the Excise-office. During all this time it will be seen that the Magistrates were wholly without any sufficient means of protection or defence, the mob appearing to have had complete possession of the city.' Now, I say, that if the Magistrates had collected what civil force they could, they might have kept their observation alive, and might have protected themselves

without the necessity of escaping from the Recruiting-office to the house in Berkeley Square, where the Mayor was found in the morning. Then they say: 'there was no interval during which the Mayor and Magistrates were not at their post, except for a short time after their being driven from the Bishop's Palace, and retiring to a private house in Berkeley Square, of which notice was almost immediately given to Colonel Brereton, as stated in the appendix, Nos. 5 and 6.' Now the Mayor states that he and the Magistrates had been all this time at their post. What their post might be, what the proper situation might be for them to be collected at, I do not know; but this I am quite sure of,—it was a very immaterial thing whether they were at their post or not, if, wherever they were, they conducted themselves with their extreme supineness, and took no steps to prevent the mischief. But I will proceed with the narrative, the Palace having been fired and consumed: 'this was followed by the firing of two complete sides of Queen Square, containing nearly forty houses, including the Mansion-house, the Custom-house, and the Excise-office;' which were fired also. Where were the Magistrates all that time? He says they were at their post. 'There was no interval during which the Mayor and Magistrates were not at their post, except for a short period;' and yet you will find that the whole of that mischief, during the long course of forty-eight hours, was perpetrated by small bodies of men, who might have been put down by a small civil force if the Magistrates had acted with ordinary resolution.

"Gentlemen, I say the nature of the case, as I have stated it, is confirmed by his own statement, which I have read to you, in which he says forty houses were burnt, but gives no account of his own conduct. Is it possible, according to this statement, this should have occurred?—that they should have been burnt if he had done his duty upon this occasion? During the whole of that time, from the beginning of the burning to the extinguishment of the last fire, there was no Magistrate seen in Queen Square; no single constable called upon by the Magis-

trates to act; no troops with whom the Magistrate put himself into the situation of acting so as to give the aid of military force to the civil authority. I submit there was a continual duty upon him during the whole of this awful period, which he ought not to have neglected; that there was no period at which he ought not to have been providing force, even though they could not have acted at that moment with benefit; and that he cannot stand excused from the dreadful events brought on the town of Bristol on the grounds of the statement he has presented. It will be satisfactory that his own statement should be read, and the circumstances of the case will be laid before you by a variety of witnesses who attended at the Council-house, and are perfectly aware of all which was going on.

"Gentlemen, this is the general nature of the case, and I shall leave it in your hands. I do not wish to aggravate it by any observations which I have thought it my duty to make, and I do not wish to state too highly the duty of Magistrates, —all the King's subjects have a right to expect common and ordinary protection in the moment of alarm. It appears to me that protection has not been extended in the present case; the Mayor was the person whose duty it was to extend it. The facts I have stated, which I have no doubt I shall fully substantiate, will prove that there has been great neglect of that duty; and this misdemeanour, I apprehend, will be fully and satisfactorily established."

## EVIDENCE FOR THE PROSECUTION.

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Mr. JOHN WALKER NEWCOMBE sworn.—Examined by Mr. SOLICITOR-GENERAL.

You are, I believe, a resident inhabitant of the city of Bristol? I am.

You were so in the month of October last year? I was.

A printer residing in John-street? Yes.

Do you remember Saturday, the 29th of October last year, being the day fixed for the entry of the Recorder into Bristol? Yes, I do.

Were you present at the entry of the Recorder into Bristol on the morning of that day? No; in Bristol I was, but not at his entry.

You did not, I believe, see him go to the Guildhall; you were not present when he reached it? No.

Were you present when he reached the Mansion-house? No.

Did you, in the course of that day, go to the Mansion-house or Queen-square? In the afternoon.

Be so good as to state to the Jury the precise time of day you first went to the Mansion-house or to Queen-square; which part of it? As nearly as I can recollect about four o'clock in the afternoon.

What was the condition of the Mansion-house at the time? The windows were partially broken, and occasionally stones were being thrown at it at that time.

Was there any civil force on the outside of the Mansion-house at that time? Yes, there was.

What, as far as you can judge, was the nature of the civil force at that time outside the Mansion-house? I saw a number of people there, police officers, and a number of special constables outside; but I could not state the numbers.

I particularly ask to the time you first saw the Mansion-house? I should imagine there would be of special constables and police officers about fifty.

The whole civil force you consider consisted of about fifty? Yes; I should think thereabout.

What amount do you take to be the number of the mob? Some thousands.

By thousands do you mean to describe them all as a mob of riotous persons? Oh, no! of persons collected.

State as well as you can what you conceive to have been the number of persons actually rioting, or engaged in any outrages? I should imagine not fifty.

What was the demeanour of the other part of the persons whom you saw there assembled? They were occasionally moving about, but quiet in respect of their conduct. They were not acting offensively; not attempting to defend the Mansion-house, or to injure it; taking no part; they were remarking on the conduct of the rioters.

Do you mean to state that these fifty persons who constituted the civil force when you approached, were on the outside of the Mansion-house? Yes; they went in and out occasionally.

Upon seeing this state of things, did you personally make any attempt to communicate with the Mansion-house? Yes; when I first went there in the after part of the day, I suppose between six and seven o'clock.

Do you mean to state, that you remained in the square from the time you first approached the Mansion-house, as you have stated, till between six and seven o'clock? Yes.

Did you at that time make any attempt to go into the Mansion-house to communicate with the persons there? I did. I went in.

You went into the Mansion-house? I did.

State as nearly as you can the time? As far as I recollect the time, it was some time after six o'clock, between six and seven.

At that time, I believe, there were no military present? There was not.

Upon being admitted into the Mansion-house, what communication did you then make, and to whom? To some of the Sheriff's officers whom I saw there. I told them there were very few persons actually engaged in rioting, and that if they came out I imagined a dozen or two would be able to quell it.

What number of peace officers, or other persons constituting the civil force, did you see in the Mansion-house when you got inside? I cannot recollect the number. I should think two or three I saw there in the interior of the Mansion-house, and I called them to come out.

Did you see upon going into the Mansion-house either the Mayor or any of the Aldermen? Not on first entering.

Did you afterwards? Yes.

When first? I do not think I saw any of the Magistrates till the military arrived, when I went up stairs with one of the officers. When the military arrived, one of the officers of the force asked where the Magistrates were, and I told him I supposed that they were up stairs, and I went up and there they were.

What was the interval of time, as nearly as you can recollect, between your entering the Mansion-house and this arrival of the military? A very short time before they arrived.

Previously to the arrival of the military, did you hear any orders or directions given to the constables or persons constituting the civil force within the Mansion-house? No.

Upon making the communication which you have told us you did on going into the Mansion-house respecting the small number of persons out of doors, was any thing done by them in consequence? They refused to come out, and said that if they did come out they were sure to have their heads broken, and that they would not do so.

Sir James Scarlett.—Do you mean that the Justices remarked that? The question is as to the Magistrates. It was one of the Sheriff's officers you refer to that you spoke to? Yes.

A Juryman.—The witness says *they*—whom does he refer to?

Lord Tenterden.—He says, one of them said that if they went out they should have their heads broken.

A Juryman.—We wish to know whom he refers to by *they*.

Mr. Solicitor General.—He has stated that no Magistrate was present. No Magistrate being present, was any body at the head of those constables? No.

You have stated that upon the arrival of the military you went with the officer into the room. Did you there see the Mayor and any of the Aldermen? I do not recollect seeing the Mayor there, but I have no doubt he was present; I saw him there afterwards; I did not see him on my first entrance.

How soon afterwards did you see him?—I should think in about half an hour.

After you went into the room?—Yes; I did not stop in the room the half hour, but went in afterwards, and saw the Mayor. I then took a wounded man up to the room.

When you went up first, you cannot state that you saw the Mayor, but you can speak to having seen him half an hour afterwards, when you took a wounded man into the room?—Yes.

Were any of the Aldermen present?—Yes.

Did you make any communication to the Mayor or Aldermen, upon that occasion?—No, I made none.

Lord TENTERDEN.—You took a wounded man up, you say?—Yes.

Was he a civil officer?—One of the military officers,—one of the Fourteenth.

Mr. SOLICITOR-GENERAL.—Within your hearing, was any application made to the Mayor or the Magistrates for directions? Application was made by Col. Brereton, in my presence, for directions to act; but previous to their giving directions, they requested strangers would retire; I retired, of course, in consequence; therefore, what directions were given, I am not aware.

Was any thing done afterwards by the military, or the civil force, while you were in the Mansion-house?—Occasionally, they went out for the purpose of clearing them, and the military did clear them, at one time.

The military did go out at one time, and cleared the square? Yes.

Sir JAMES SCARLETT.—He says, that they occasionally cleared it.

Mr. SOLICITOR-GENERAL.—He says, the civil power went out occasionally.

Lord TENTERDEN.—The military could not be in the house, of course;—the military interfered occasionally.

Sir JAMES SCARLETT.—He does not say that, I think, my Lord.

Lord TENTERDEN.—Who cleared the square? The military.

Mr. SOLICITOR-GENERAL.—Did you take any part in any of those sallies of the civil officers from the Mansion-house? I did.

More than once? Several times.

Under whose directions? I think Major Mackworth formed the special constables into different bodies, I forming one of the bodies, and we went, I suppose, a dozen together in different directions, endeavouring to clear away the mob.

Lord TENTERDEN.—Who formed the constables? I think, Major Mackworth.

Mr. SOLICITOR-GENERAL.—At what period of the evening was that? I should think, about eight o'clock.

Did you succeed in those sallies? We succeeded in clearing them away for a moment, but they returned immediately afterwards.

Did the Mayor take any part by giving directions or otherwise, upon those occasions? I cannot say he took any part; he told the civil force to do their best in clearing away the mob.

At what time that evening did you quit the Mansion-house? About one o'clock.

What was the state of things at that time? Perfectly quiet.

Did the Mayor and the Magistrates still remain in the Mansion-house when you left it? I believe they were still there when I left.

Did you go away of your own accord, or in consequence of any direction or intimation that you were to go? Of my own accord, I was completely tired.

What was the number of constables then within the Mansion-house? I am sure I cannot say.

Were any of them posted on the outside of the Mansion-house? Yes; I had been separated previous to my leaving the Mansion-house, from the special constables having headed the military in clearing all round the square, having been served with flambeaux by the Mayor, who put two into my hand himself.

You returned from that expedition into the Mansion-house? Yes.

You remained how long after that in the Mansion-house? A very few minutes.

You have stated, that the Mayor gave you two flambeaux? Yes.

Did you apply for them? There was a general call for lights, the military having stated that they could not see which way to go, that it was unsafe for them to gallop along the streets in the dark, the gas lights having been put out by the mob; a call was given for lights, and the Mayor ordered them to be brought, and I took two out of his hand and ran with them before the military.

When you left the Mansion-house at one o'clock in the morning, was there any sensible diminution in the number of constables? I think there were very few remaining when I left, but I was in such a state, that I could not make any particular observation; I was so completely worn out with the exertion of running before the military,

Was there any marshalling of the constables during the time you were there, to ascertain their number? There was a marshalling in the banquetting room, by Major Mackworth; and I imagine, at one time, there would be from sixty to seventy of the special constables.

How soon did you perceive any diminution of that number? The special constables occasionally on sallying out a dozen, would return nine or ten, two or three having left, having no order to remain any particular time; sometimes, I know, there were very few; the body of which I formed one consisted at one time of, I think, as many as fifteen, and eventually there were five of them left.

When you left, were you desired to go?—No.

I believe you cannot speak to your own knowledge of anything which took place at the Mansion-house from the time you left, during the remainder of that night?—No.

Did you on the Sunday morning return to the Mansion-house?—I did.

At what time?—About half-past nine.

You had been at home, I believe, during the interval?—I had.

What was the condition of the Mansion-house on the Sunday morning when you went to it?—The windows were completely demolished and all the furniture destroyed; it was then in possession of the mob, a few of the mob were in the house, and I saw two officers there; I considered them as officers; however, they told me they had been appointed to remain there during the night, and they had not been able to resist the mob. They said, the mob had been very civil to them and had not injured them, but they were not able to drive them out.

Lord Tenterden.—Were they Sheriffs' officers? No, not Sheriffs' officers. There were no military there at all when I returned.

Mr. Solicitor-General.—What officers were they? I suppose they were special constables.

You meant civil officers?—Yes.

Having stated that some of the mob were in the house, in what part of the house were they?—In the hall and in the rooms, and a few of them in the kitchen.

Do you mean to state that those persons were in possession of those parts of the house? No person molested them until a few more collected after I arrived.

You say there were only two officers there whom you saw? No, only two.

How many rioters and other persons did you see in the house? I suppose there were twenty.

Was there any body of peace officers near the Mansion-house at that time? No.

Was there any military force at the Mansion-house? No.

Did any of the mob who were in possession of the house appear to you to be intoxicated? Yes.

How many of those twenty persons that you have described as being in possession of the house, appeared to you to be intoxicated? The major part of them.

FOREMAN OF THE JURY.—My Lord, the jury wish to have a question put to the witness.

Lord TENTERDEN.—It will be more convenient to wait till the Counsel have finished their examination. Perhaps that question may be put.

Mr. SOLICITOR-GENERAL.—Did you then, either alone or in concert with others, take any step to rescue the Mansion-house out of the possession of those persons? A few of us drove the mob out that were in possession.

Had you any difficulty in doing it? None.

Having thus driven the mob out of the Mansion-house, did you find any other persons or see any other persons in the Mansion-house, except those two officers you have mentioned? A number of residents of the city assembled from that time, and continued to increase.

At the time you rescued the Mansion-house from the possession of the mob, did you find any other persons in the Mansion-house except the mob you have described? Those who acted in clearing the Mansion-house.

Did you afterwards, while you were there, see the Mayor or any of the Aldermen? I did; shortly after the house was cleared, Alderman Hilhouse arrived, I saw him, but from what part of the house he came I do not know. He went with me to the side-door of the Mansion-house, and there read the Riot Act.

There are, I believe, two gentlemen of that name who are aldermen, which of them was it? I cannot speak positively as to the christian name.

Was it the tall or the short one? The tallest; I saw him in this Court; I believe he is up in the gallery.

When you say that Mr. Hilhouse arrived, do you mean that he arrived from some other part of the city, or that he came from some other part of the house to that where you were? I do not know where he came from; I saw him in the house.

You said he read the Riot Act? He did; he called upon the mob to disperse.

Was there any impediment to his reading the Riot Act? No.

At the time he read the Riot Act, what do you consider was the number of riotous persons then present to whom he read it? I suppose about a couple of hundred.

What was the conduct of those persons at that time? Immediately after he had read the Riot Act they commenced throwing stones and pieces of glass bottles, upon which he retired into the house, and I did the same.

Was any attempts made after reading the Riot Act to repress those rioters? No.

Did anything pass between you and Alderman Hilhouse upon the subject of repressing the riot? I remarked to him, after he had read the Riot Act, that by a little judicious force properly used by persons who would take as well as give a blow, they would be able to disperse the mob on the outside with the utmost ease.

Was it your opinion from the state of things at the time, that the mob could have been so repressed? It was.

I believe you were not a special constable? I was not.

You were a volunteer? Yes.

Did you then leave the Mansion-house? No, I remained there.

How long did you remain there? I remained there till about half-past twelve.

During that period was any civil force collected at the Mansion-house? A great number of residents of the city collected in the Mansion-house; it was, indeed, at times completely full.

Did you observe the Mayor or any of the Magistrates present at the Mansion-house during that time? Yes.

What was the time when you saw the Mayor there? I should think it would be between 10 and 11; the confusion was so great at the time that I cannot say exactly, but I should think it was between 10 and 11.

Was it after the Riot Act had been read? Yes.

What was the description of persons then assembled at the Mansion-house? Tradesmen of the city; respectable persons, willing to do any thing.

When you saw the Mayor, did he give any directions respecting the organization or employment of the civil force? The directions given by him and Alderman Hilhouse to the gentlemen there assembled was, not to use any force towards the mob at all, or to take any of them into custody, not even to shew a staff.

Do you recollect any particular statement made by you, or in your hearing, by the Mayor upon that subject? Not made to me personally, but to the gentlemen there, not to use any staves, or to shew them, but to disperse themselves among the mob, and try to persuade them to go home quietly.

Was any attempt made by yourself, or of other persons, to disperse the mob during that period? No.

I think yon have stated that you left the Mansion-house about half-past twelve? Half-past twelve.

Previously to that time had the Mayor and the other Aldermen left the Mansion-house? I did not see the Mayor after those directions were given. I saw some of the Aldermen occasionally; Alderman Fripp I recollect seeing there, and Alderman Hilhouse occasionally in the room.

Do I understand you to state, that after the declaration you have told us the Mayor made about using persuasion, and not to go out even with staves, that from that time you saw no more of the Mayor at the Mansion-house? I do not recollect seeing any thing more of him.

Did Mr. Alderman Hilhouse, or Mr. Fripp, whom you say you saw after the Mayor went, take any active part with respect to the organization or employment of the civil force? No; I saw none.

Upon leaving the Mansion-house in this state where did you go? I went home.

Did you afterwards go to the Guildhall? I did.

At what period of the day was that? About three o'clock; I was called upon by a gentleman of the parish, who said he was requested to call out the posse comitatus, and they were to meet at the Guildhall, and I went in consequence of that.

Upon arriving at the Guildhall were any other of the inhabitants there? Yes, many.

Assembled, I presume, for the same reason? For the same reason.

The Guildhall, I believe, was the place where you had been directed to assemble, in order to meet the Magistrates? It was.

Did you see the Mayor and any of the Aldermen there? I saw the Mayor, and there were one or two of the Aldermen, but I cannot recollect who they were: there was likewise Serjeant Ludlow, but for some time after I arrived there, there was no Magistrate at all.

Lord Tenterden.—It was soon after your arrival? Yes, my Lord.

Mr. Solicitor-General.—Upon the arrival of the Mayor, was any communication made by him, or by his direction?

Sir James Scarlett.—He has not said the Mayor arrived; he only says he did not see him for a certain time: the Mayor might have been in another room.

He was not in the Hall; he may have been in some of the rooms adjoining.

Mr. Solicitor-General.—What passed at the meeting? Was any proposition or statement made by the Mayor or the Aldermen, or on their behalf, to the meeting then present? They remarked on the dreadful state of the city, and called upon the gentlemen present to assist in quieting them; some proposed one plan, and some another.

Lord Tenterden—The Mayor and Aldermen? Yes, and the citizens likewise.

Mr. Solicitor-General.—Was any application made, by any of the persons present, to the Mayor and Aldermen, upon the subject of having directions, and a plan? There was some enquiry whether they should be allowed to use fire-arms; they said they would not authorize them, that they were justified in using them if they pleased, but they would not give them authority to do so.

The persons present, I presume, were the inhabitants of Bristol? They were.

Did any of them, in your hearing, ask permission of the Mayor and inhabitants to use arms? Yes, I recollect particularly a Mr. Johnson, a solicitor, asking for leave to use arms.

Mr. Justice Parke.—Ask whom? I think Sergeant Ludlow, if they might not be allowed to do it.

Sir James Scarlett.—When you say arms, do you mean fire-arms?

Mr. Solicitor-General.—Did they say arms or fire-arms? I am confident they meant fire-arms, if they did not say it.

Was his answer returned in the presence of the Mayor and Aldermen?

Lord Tenterden.—He has said so,—it stands so at present; he says, they asked Serjeant Ludlow if they would be justified in using arms, but he has not stated any answer.

Witness.—He said, he could give no authority; he said, he should imagine that any gentleman was justified in using arms, in defence of the property of the city, but he could give them no authority to do so.

Mr. Solicitor-General.—During this interview between the inhabitants and the Magistrates, was any intimation given, to any of the persons present, by the Mayor or the Magistrates to the inhabitants, upon the subject of repressing the mob?

Sir James Scarlett.—I requested my learned friend not to put leading questions, but to ask what passed, and not to ask were such and such directions given.

Mr. Solicitor-General.—My only object was to shorten it. Was any direction given by the Mayor or the Magistrates to the inhabitants, on the subject of repressing the mob? No.

Was any request made by the inhabitants, or any of them, in your presence, for such directions? No.

When did the meeting separate? I understood the Magistrates left the Guildhall to proceed to the Council-house, calling upon the citizens to join them there.

How many persons were present at this meeting, at the Guildhall? I should think, at one time, there may have been 100.

Did the meeting then separate, or leave the Guildhall, without any plan being settled? They did.

Do you recollect the period about which they left the Guildhall—the time of the day? I left it about 4 o'clock.

Where did you go? I went home.

How long did you remain at home? Till, I suppose, 7 or 8 o'clock.

Did you afterwards, in the course of that evening or night, go either to the Mansion-house or Queen-square? I did.

At what time was that? I was in the square about, I suppose, from 11 till half-past 12.

Did you see the mob? Yes, firing the houses.

What was the number of persons engaged? A great number were engaged at the different houses; some went from one house to another. I suppose there would be from 2 to 300 actually engaged in the scene; but all persons there, or at least the major part, seemed to be willing to act in the scene of demolition.

How long did you remain in Queen-square witnessing this scene? From eleven till half-past twelve.

During that time did you see the Mayor or any Magistrate in the square? No.

Was there any civil force there? I saw one or two of the officers occasionally passing about in the square—the Mayor's or the Sheriffs' officers.

What were they doing? Merely looking on.

When you first went to the square, where about was the fire—which of the houses was then on fire? The Custom-house.

How many houses afterwards, beyond the Custom-house, were set on fire while you were there? Three or four.

The Mansion-house, I believe, is at the corner of the square, and at the corner of Charlotte-street? It was.

What direction did the fire take? From the Mansion-house along to the Custom-house, which was on the same side.

The Custom-house, I believe, forms the end house of that row, and then is divided from the other part of that side of the square by King-street avenue? By an avenue leading to King-street.

Were those houses fired in succession or together? In succession.

Beginning from the Mansion-house? Beginning from the Mansion-house.

Was that the case with the four houses you saw fired while you was in the square? Yes; beginning, after the Custom-house was fired, from the Custom-house on the opposite side of the avenue.

Were you present at an earlier part of the evening at the Bishop's palace? I was.

Were you present at any other fires in the city, during that afternoon or night? No; the Bishop's palace and the square.

When you were present at the Bishop's palace, what was, as far as you could judge, the number of the rioters actually engaged?

Lord Tenterden.—What time was it?

Mr. Solicitor-General.—At what time were you present at the Bishop's palace? I suppose about 9 o'clock.

Had the fire then commenced? Yes.

What appeared to you to be the number of persons actually engaged in the firing and the riot? From 50 to 100 actually engaged.

Did you see any civil force there? No.

From the situation in which you were, had you the means of knowing or observing whether there was any civil force? Had there been any there I think I should have seen it.

Did you observe the Mayor or any of the Magistrates there? No.

Did you remain there till that work was over? I remained there I suppose an hour, saving the books and parchments up at the Chapter-house, which the mob were trying to set on fire.

Did you save any property by your individual exertions, and without being wounded or injured? Yes; a vast number of parchments, which were afterwards found by Mr. Phillips.

Were any other private persons engaged in the same way, in saving property? There were two persons with me in the Chapter-house; the name of one I cannot reccollect, but the other was Macarthy; we were attacked several times in carrying them away, and finding we could not carry the parchments away, we commenced throwing them out of the window into the shrubberies, thinking that, though they might be damaged in that manner, at all events they would be saved.

At what period did the mob quit the Bishop's palace? I do not know; they were not gone when I left it myself.

Was the fire at Queen-square going on at the same time with the fire at the Bishop's palace? Yes.

Upon leaving Queen-square, where did you go? I went home.

Did you remain at home afterwards? I did, till the morning.

Were you at any time of that day, or afternoon, at Bridewell? I was just going to beg your pardon for having made a mistake. Having asked me whether I was at any other fire? I was at the fire at Bridewell.

At what time of the day was that? I think it was just dusk; I suppose about six o'clock.

Before the Bishop's palace? Yes, before: I went to the Bishop's palace between six and seven o'clock.

What appeared to you to be the number of persons actually engaged in that fire? At that time there were a great number engaged; I suppose I may say 100 or 150.

Was there any civil or military force present when you were there? No.

How long were you there? I must have been there a considerable time, assisting in preventing the fire from communicating to the houses adjoining; on the top of the houses with water, throwing it over parts of the adjoining houses, to prevent their catching fire.

Did you, by these your individual exertions, prevent the spread of the fire? Not by my own exertions solely.

In concurrence with others? Yes.

How were the mob armed? Some not all, some with sticks; I observed one with a sword.

You know the situation of Bridewell of course, being an inhabitant of Bristol? Yes.

I believe that there is a close passage, open at each end? Yes; the building occupying both sides of the way, and the passage on both sides, with gates, shut up every night, and open in the morning.

The passage is a long narrow passage, is it not? Yes.

What is the width of that passage? The widest part is just between the two sides of the Bridewell.

I speak of the opening at each end? The end of Bridewell-lane, at one side, would not be above four feet wide.

Is that the end at which there is a bridge? Yes.

There is a bridge at one end, but not a bridge at the other? Yes.

Are there gates at each end of the passage? Not at each end of the passage of Bridewell-lane, but only of the Bridewell itself.

The Bride well itself of course has gates? Yes.

Has the passage you have been describing, gates? No, not Bridewell-lane; there are no gates to the passage.

Be so good as to state the situation of the gates? It encloses the building; the Bridewell-house is divided into two parts, and the passage between it, and at each end of the passage, there are or were gates.

Which gates enclose the Bridewell? Yes.

Cross-examined by Sir James Scarlett.

You have been long resident in Bristol, I take for granted? About sixteen years.

I think you have stated, that when you first went to the Mansion-house, on the day that Sir Charles Wethrell arrived, you went first about four o'clock? Yes.

You then found the windows partially broken? I did.

Did you hear the Riot Act read by the Mayor? I did.

Was that soon after you arrived? Between five and six, as well as I can recollect, the Riot Act was read.

Did you, before you heard the Riot Act read, hear the Mayor come out and address the multitude, and request them to disperse? I did not hear him myself.

Did you see him whilst he was out? No.

I think you say, that there were not many persons engaged in breaking the windows—that they were not all rioters, but other persons were occasionally remarking what was passing;—how many other persons might there be there, according to the best of your judgment? There must have been some thousands present.

Of those thousands that were present, did any of them appear to you to shew a disposition to check those persons that were breaking the windows? I do not recollect that there was any disposition then exhibited of that sort; not until I entered the Mansion-house.

If there were so few people engaged in breaking the windows, would it have been difficult, if any of the thousands assembled outside had chosen, to have taken up those men, and prevented what was passing? I should think there would have been no difficulty in doing it, if a number there had been determined to have done so.

Did it not appear to you that the great mass of the multitude were rather pleased at what was passing? No, I do not think they were.

You heard the Mayor read the Riot Act? I did.

Did the multitude disperse upon that? No.

They still remained? They still remained.

Did you see whether any stones were thrown at the Mayor, while he was reading the Riot Act? I think there were two or three stones thrown.

Was any body struck that was with him? I did not observe that either of the gentlemen with him were struck.

Were there any hootings, or expressions of contempt and hatred used towards the magistrates? A great deal of noise occasionally.

Did the multitude seem to join in that noise, or was it made only by the 50 or 60 persons breaking the windows? The noises were dispersed about in different parts of the crowd.

I am speaking of the persons before the Mansion-house? I do not think the multitude, generally speaking, joined in them.

Did it appear to you that, in particular parts of the multitude, here and there, there were shouts of approbation? Yes.

Did not those shouts of approbation that came, not from the mass, but from persons distributed about the mass, appear to encourage the rioters? Yes.

Did you see any attempt made by the multitude—and when I speak of the multitude I distinguish them from the active part of the body—to apprehend the persons that were shouting? No.

Did this continue after the Mayor had read the Riot Act? Yes.

And thousands of persons continued assembled, and the shouts, and the throwing of stones? Yes.

Did you hear a notice given by the Mayor, that if the crowd did not disperse, the military would be sent for? Yes.

You remained, I think you say, 'till the military came? Not outside.

Outside or inside, you were there 'till the military came? Yes.

Was it before the military came that you had been marshalled by Major Mackworth? No.

When the military came, you went with the officer up stairs to the magistrates? Yes.

What passed between them you say you did not hear, because strangers were desired to withdraw? Yes.

Did the military begin to ride about soon afterwards? They did.

Were they cheered by the multitude? The 3rd Dragoons were.

They came first, did they not? Yes.

Much cheered? A great deal.

What were the shouts that they used? I do not recollect any thing particular, hurraing.

"The King and Reform?" "The King and Reform," I recollect that.

Those shouts were very general, were they not? They were.

Did you see any of the soldiers waving their gloves? I did.

Did they join in the shout? "The King and Reform" was repeated by several of the soldiers.

Did the multitude appear to you to be desirous of mixing with the soldiers, going up to them, and shaking hands with them? I saw many persons do so.

Did you not hear expressions used by the multitude, that the soldiers would not act against them; that they knew it? No.

Did you hear expressions of this sort—"we are for the king; are not you for the king too?" I think I heard some expressions of that sort.

Coming from the multitude to the soldiers? Yes.

Did they not go on to say, "you will not hurt us?" I do not recollect any thing of that sort.

Do you know the gentleman they called Col. Brereton, the commanding officer? I recollect him very well.

Did he shake hands with them? I do not recollect seeing him do so.

I think you say, that it was after the military arrived that Major Mackworth marshalled the constables, and those who, like yourself, were willing to assist them, and placed them in different positions? Yes.

And they made occasional sallies to drive away the mob? Yes.

Where were the military, in the mean time? Standing outside.

Did they interfere? They went round, occasionally.

I speak of the period before you had the flambeaux. Yes.

Did they draw out in a line? They formed a line before the Mansion-house, and remained stationary a considerable time.

Was it a military officer that was wounded? Yes.

Who was he? One of the 14th light dragoons. I do not know his name; in making a charge round the square, he, with his horse, stepped in between the railings of the Mansion-house, which were thrown down.

Had you seen the railings of the Mansion-house torn up from their place? I had.

And a barricado formed of them? Not a barricado formed of them.

Put across the street? No, merely pulled down, that is the only thing I recollect being done that night; I saw, in the morning, that they had been used in that way.

That night the accident met with by the officer was when they were lying down in the place where they had been pulled down? Lying down, having remained flat.

How many of the 3d dragoon guards came? From 30 to 40, I should imagine; I did not count them; there may have been more.

Did the 14th light dragoons come at the same time, or afterwards? Afterwards.

How long after? I do not know.

Was it half an hour, or an hour? I did not observe when they first came; I was told by another person that the 14th were there; the first I saw of the 14th was when the officer of the 14th fell down.

Can you then tell about what o'clock that might be? I cannot speak with certainty, but I should imagine, somewhere about nine.

Were the 14th light dragoons cheered, in the same way, by the mob? I did not hear that they were; in fact, I heard the mob groaning at them.

When I say the mob, I do not mean the persons actually engaged in the riot, but the general mass? Many persons.

After the constables had been marshalled in the way you described, and made different sallies, and the troops had rode about for some time, I think you say, that at one o'clock you left, and every thing was then quiet? Every thing was then quiet in that part of the town.

Did you go to any other part of the town? On going home the dragoons were in Wine-street, and as I crossed the way, I heard a shot fired from the 14th, and I said to my friend, it is not safe to be out now, we must make as much haste as we can.

Before the Mansion-house, and in the neighbourhood of Queen-square, when you left, at one o'clock, every thing was quiet? Yes.

Were any of the military left there, before the Mansion-house, or had they gone? The military certainly were about the Mansion-house, but I do not recollect whether they were marshalled in front of it or not; my friend returned with me to the Mansion-house, and I went inside, and did not see much more of them afterwards.

How far might it have been from the Mansion-house which you had left, that you heard the short fired? It must have been a quarter of a mile.

You could not tell what was the occasion of the shot? No.

Then you went home? I was on my way home.

Do you happen to know whether there was any great disposition in the town, that day or the preceding days, to come and assist as constables, as far as you can judge? The disposition was not general, certainly.

Was it not generally otherwise? It was.

Then, if I understand you rightly, there was not generally a disposition to assist the Magistrates, upon that occasion? No: the assistance to the Magistrates was not considered necessary; they were merely, as constables, to conduct Sir Charles Wetherell; it was considered unnecessary; many would not join it, because of their dislike to him.

Not dislike to him personally, but to his conduct in parliament? Yes.

That appeared to you very much to pervade the multitude before the Mansion-house? Yes.

I think the next day, at about ten o'clock, you went to the Mansion-house? About half-past nine.

You found an alteration, then, in the state of the Mansion-house, from what you left it? Very great.

Had you observed, before you left it, whether the Mansion-house windows had been barricaded with boards, and other things to protect it? No, I did not observe them barricaded with boards.

With any thing else? There was a bed put in one window, I think, to prevent stones coming in.

You found the house in a very different state the next day? Very different.

The windows smashed in? Yes, the windows entirely demolished; and I do not think I could discover a perfect piece of furniture in the house.

Of course then, though you did not see it, great violence had been effected during your absence? Great violence.

You say you saw the Mayor and Alderman Hilhouse come there? Yes.

Hilhouse read the the Riot Act? Yes.

Was not the Mayor with him at the time? No.

Was not he of the party? No. I only saw Alderman Hilhouse at that time.

Was not a party of the military brought? Not till some time after the Riot Act was read.

Did not a party come with the Mayor? I did not see the Mayor arrive, I only saw him in the house.

When you saw him in the house had the military then arrived? I think they were.

You first saw Hilhouse in the Mansion-house some little time after the military were arrived, and at that time you saw the Mayor, but you do not recollect seeing him before? I do not recollect seeing him before or afterwards.

What did the military do when they arrived at the Mansion-house? They occasionally drove persons away from the part where they were throwing stones.

Was there much of a mob then collected? There was very considerable.

And the military were occasionally driving persons away? Yes.

And in that state you left the Mansion-house? Yes.

About ten o'clock? About half-past twelve.

You went home? I did.

I think you stated that about three o'clock, in consequence of a requisition that you had from some person in your parish to meet the Mayor at Guildhall, you went there? I did.

Were was that requisition made to you? At my own house.

Who called upon you to desire your attendance? Mr. Farr, a silversmith; the son is a silversmith, however.

What is he himself? He is with Messrs. Clarke and Sons.

Do you happen to know whether notice was given in all the churches that day? I do not recollect.

Was Farr or his father churchwarden? No. He stated that he was appointed Sheriff of the parish,

And he required you to attend the Mayor? Yes.

That was about three o'clock? Yes.

I think in the course of your evidence of what passed at the Guildhall at three o'clock, you stated that there were about a hundred persons present? Yes.

The population of Bristol is many thousands, is it not? Yes.

Near a hundred thousand? Upwards of a hundred thousand.

And you saw but about a hundred there? Yes.

Do not you recollect that there were great differences amongst the persons assembled, about whether the military should act or should not act. Did you not hear one party state that they would not act unless they were protected by the military? Certainly; that they did not consider it safe to do so; that was the manner in which they expressed themselves; that they would not risk their lives unless supported by the military; but if supported by the military they were willing to do so.

Did you not hear another party say that they would not assist unless the military were sent away? No. I do not recollect hearing any thing of that sort.

Do you know a gentleman of the profession of the law, Mr. Taunton? Yes.

Did you see him there? I do not recollect seeing him there.

Was there not a discussion then about the military? Many observations were made by the gentlemen present respecting the military; that they would be willing to act in concert with them, but they did not consider it safe to act without them.

Was Col. Brereton there? He was; at least he came there after we had been there some time.

Did not he hear that stated. Do you not know that at that time he had sent out the 14th light dragoons? Yes.

Sent them away from the city? Yes.

Did not you hear a demand made upon him by the Magistrates or by the Town-Clerk, to insist upon their being sent for back again? I heard Sergeant Ludlow asking where the 14th light dragoons were, and he told him within a mile or so of the city. I think he stated the distance; and Sergeant Ludlow then said, "I command you, Sir, in the King's name, to order the 14th dragoons back again immediately."

Did not he positively refuse to do it? He said, "I will not do so; but I wish to have an interview with the Magistrates privately;" and then he retired with Sergeant Ludlow and the Magistrates into a private room.

Did not you hear Sergeant Ludlow say to him, that he would report him to the War Office or to Head Quarters if he persisted in refusing? I did.

That was before he desired to retire with the Magistrates, that Serjeant Ludlow said he would report him to Head-Quarters? Yes, that he should certainly feel it his duty to report him.

How long did they retire together before they came back again? I do not recollect Colonel Brereton returning at all. It may have been about ten minutes before Serjeant Ludlow returned.

Mr. Justice LITTLEDALE.—Do you recollect how many retired? I think the other magistrates were in the room before: I do not recollect that there was any gentleman present, representing the Magistrates, but Serjeant Ludlow, at the time that they retired; the other Magistrates were in the room before.

Sir JAMES SCARLETT.—What announcement did Sergeant Ludlow make to the company assembled, when he came back? On his return he stated, "Colonel Brereton has given such reasons to the Magistrates for not bringing back the dragoons as they think are sufficient, and I think it would be imprudent in him to do so."

Did not you, before that, hear Colonel Brereton say, that they had not force sufficient, and that if they were brought in, it would be at the sacrifice of their lives? He did not think that, if they were to return, there would be a man left by the morning.

Did he not say something about the fatigue of his owu troops---the 3rd dragoon guards? He did; that they were very much fatigued; that they had been on their horses I think forty-eight hours; and that the horses and men were very much fatigued, and not fit for service.

Did you not hear a proposition made to him that the 3rd dragoons should be dismounted, as the horses were unfit for use, and sent to Bridewell to protect that place? I do not recollect.

Do you recollect any offer of fresh horses to him? No, but it is such a lapse of time since then that I cannot recollect every thing.

Was not that the very time that the news was brought that Bridewell was attacked? News was brought at that time.

During that discussion? I do not recollect whether Colonel Brereton was present when the news was brought.

During the discussion after three o'clock? Yes.

Do you know, in point of fact, where the 3rd dragoon guards at that moment were? I know now where they were, but I did not know then.

You did not see them any where in the town? No.

I think you said there were between thirty and forty? As nearly as I can say.

And how many of the light dragoon guards? I cannot say; I never saw them mustered, only about the street occasionally.

When Sergeaut Ludlow stated this, that the Magistrates had received satisfactory reasons why the 14th dragoons should not be brought back, what did he propose? There was nothing proposed; there was a general feeling of dissatisfaction among the persons assembled at not having the assistance of the military.

Did any body offer to act without the aid of the military? I think there was a disposition to do any thing, if any plan could have been concerted: there was no concert at all; one was proposing one thing and one another.

Is it your opinion that a hundred men could have suppressed the mob at that time? Yes, if they had been determined to have acted.

You say a proposal was made to go to the Council-house? Yes.

Were persons requested to meet there? They were.

Did you go to the Council-house? I did not; I did not consider it worth while to go there, after the conduct I had witnessed at the Guild-hall; it was then getting dark, and it was too late to begin to form any plan for acting; the time was gone by.

I think you went home: probably you went to dinner? No, I had dined when I left the Mansion-house, about one o'clock.

You went home about four? About four.

You came out again? I came out again, and went down to Bridewell.

Of course you saw no soldiers at Bridewell? No.

That did not surprise you? No.

When you went to Bridewell, was the passage you speak of occupied by the multitude? Almost full.

I understand that Bridewell occupied two sides, for a certain distance, of a passage, and where the building begins at each end there is a gate, and those gates are left open in the day-time? Yes.

When you went, were not the mob very much thronged in that passage; could the gates have been shut after you left? The place was then burning.

And that passage was full? Yes, a number of persens was in that passage.

Were you present when the Custom-house was burning? Yes.

What might be the number assembled? A great number.

Many thousands? Yes, round the Square and scattered all over.

Did any body interfere, to prevent the Custom-house being burnt? Nobody that I saw.

Did you hear any expressions of this sort amongst the multitude, that they did not much object to the Custom-house being burnt? No.

Recollect yourself; was nothing of the sort said? I do not recollect any thing of the sort.

Or with regard to the Bishop's Palace? No, I do not recollect any thing of the sort.

I think you said before you, did not go to see the entry of the Recorder? I did not.

Did you ever hear any body say any thing about the Recorder?

Mr. Attorney-General.—You have put that rather widely, perhaps you mean in the crowd.

Sir James Scarlett.—Yes, in the crowd, about the Recorder being conducted to a lamp-post? No.

Did you never hear any of them say, that he should be glad to have assisted in throwing the Recorder over the bridge? No.

Did you never say so? No.

Are you sure? I can tell you what that may have originated in: I certainly stated, after the riot, that it would have been better for Sir Charles Wetherell to have been thrown over the bridge, than for such a scene of destruction to have taken place.

Did you say that after the riots? Yes.

Did not you say it on Saturday? No.

Recollect yourself; did you not say so on the very Saturday he came in? Not that I recollect.

I will endeavour to remind you; do you remember being at the Bunch of Grapes public house, in St. Nicholas-street? Yes.

Upon that Saturday? Not upon that Saturday.

A little time before? I have been in the house very frequently, both before and since then.

Did not you say, before the riots, that you should like to see him thrown over the bridge? No, certainly not; I stated, when I was applied to, to go out as a special constable, to conduct Sir Charles Wetherell in, that I

would not go outside of the door to protect him; that, on the other hand, I would not move outside my door to insult him, neither would I see him insulted, if I could help it, to the gentlemen of the parish who called upon me to go out.

Then you were applied to, to serve as a special constable, on that day? Not upon that day.

Were you not applied to, to serve as a special constable, upon the 29th of October? I was.

And you refused? I did, giving that as a reason.

To whom did you say that reason? To the chief constable of the ward; I think his name was Stone.

Did not you say, in that public house I have mentioned, upon that identical day, that you should not have been sorry to have seen him thrown over the bridge, or words to that effect? No.

But you said afterwards, you say, that it would have been better for him to have been thrown over the bridge, than that the riots should have taken place at Bristol? Than that such a scene of destruction should have taken place.

When did you say that? I have said it not only once, but repeatedly, that it would have been better that such a circumstance should have happened, than such a riot should have taken place, and so many lives should have been destroyed.

Did you ever say that in a public-house, the Bunch of Grapes? Yes, I have said that.

But you said nothing to that effect on that very day, the 29th? No.

Do you know Mr. Quarman? Quarman, a turner, I do.

Did you ever meet him at the Bunch of Grapes? No.

Did you see him there on the Saturday? No, I do not know that I ever saw him in the house in my life.

Foreman of the Jury.—We wish to ask whether Major Mackworth acted in a military capacity, or as a citizen?

Lord Tenterden.—Was Major Mackworth acting as a military man? At that time not as a military man.

He had no command there? No command; I did not understand him to have any.

Mr. JOHN COSSENS, sworn.—Examined by Mr. Sergeant Wilde.

I believe you are a straw hat manufacturer at Bristol? I am.

How long have you been an inhabitant of the city of Bristol? I was born at Bristol.

Were you sworn in as one of the special constables to escort the Recorder of Bristol? No, I was not, I was chief constable of one of the wards; of Castle Ward.

Did you attend with other constables to escort the Recorder in? I did so.

Had the constabulary force been assembled before you set out to meet the Recorder? They had so.

Where? In the Exchange.

What number of constables, according to the best judgment you could form, were there? I should suppose from 100 to 200, nearly 200 I should suppose.

Did you afterwards proceed with the Mayor to meet the Recorder with that force? No, not exactly so; we had orders to go outside the city; that is, outside Temple gate.

Never mind that, you went to meet the Recorder? Yes.

And you returned with the Recorder? Yes.

Attending him upon his entrance into the city? I did so.

The Mayor and Aldermen and Corporate Officers, I presume, being in attendance? I believe they were.

In what manner were the constables arranged in returning from the place where you did meet Sir Charles? Each of the special constables with the ward constables, were assigned to different stations; the constables I had under me assembled at Hill's bridge, and we were appointed abreast of the carriage.

Were you appointed at different parts of the procession? Yes.

You proceeded first to the Council-house or to the Guildhall? To the Guildhall.

Is it usual upon the gaol delivery at Bristol, for the Recorder first to go to the Guildhall, and for the Charter there to be read? I believe so, to open the Commission.

Had any interruption been offered to any part of the procession before your arrival at the Guildhall? Yes.

Be so good as to state what occurred? There was a great deal of hissing and hooting and yelling in all directions; nothing particular occurred till we came up to the end of the first street, Temple-street, and there was several stones flung at the carriage.

What distance is that from the Guildhall? A little better than a quarter of a mile, and I believe, at one time, there was some dirt thrown which struck Sir Charles in his carriage, and when the procession got to the Guildhall the stones flew abundantly, so much so, that one of the stones struck one of the Sheriff's footmen, that is, it struck I believe the cockade out of his hat.

Was that the course of conduct observed by the persons till you got to the Guildhall? It was.

Was there anything particular; if so, state it; if not, you need not repeat it? Nothing very particular.

After the commission was opened at Guildhall, did the procession proceed to the Mansion-house? It did.

That is the usual course? The usual way.

What was the conduct of the mob attending the procession from the Guildhall to the Mansion-house? They were still hooting and hissing Sir Charles as he went along. When we came to a place called the Quay, there were some more stones flung, and at the time we got to the Mansion-house, stones flew in all directions.

What time did you arrive at the Mansion-house? I do not exactly know; but I should think it was somewhere about ten o'clock.

Ten or twelve was it; at what time did you meet in the morning? I believe we had orders to meet at eight o'clock in the morning.

Did you remain at the Mansion-house? Yes, I never left it till twelve o'clock at night.

After Sir Charles had got into the Mansion-house, did the same line of conduct continue, or in what respect different? The mob flinging stones all the time, more or less, and the breaking of windows in it.

Where were the constables stationed after the Recorder had got into the Mansion-house? We were most of us surrounding the Mansion-house.

At about four o'clock what was the state of the mob? At four o'clock they were very numerous and very riotous.

Did you make any representation to the Mayor or any of the Magistrates then in the Mansion-house? Yes, I did.

Did you see the Mayor? Yes, I did.

What was that representation to the Mayor, or in his presence? The whole of the chief constables assembled below together in one of the rooms, and we consulted together; the subject of our meeting together was to see his Worship.

You must not tell me the object, but what representation you made to the Mayor after consulting with the chief constables? I told the Mayor

that the whole of the chief constables' opinion was, that unless he sent for the military immediately, the house we were then in would be pulled about our ears.

Upon that did the Recorder or any other Magistrate make any observation? Yes. Sir Charles Wetherell came up to me, with his hands in his pockets, and his small clothes down here so, and he says to me, "Sir," says he, "there is not a case sufficiently strong made out to justify the Magistrates to send for the military."

Did the same sort of conduct on the part of the mob continue? Yes; worse and worse.

Do you recollect the Mayor's coming out to the mob? I do.

In what way was he received? The mob was very outrageous at the time, and he came out and told them the consequence if they stayed any longer assembled in that riotous manner; and he said if they did not disperse immediately he should be under the painful necessity of reading the Riot Act. They continued flinging stones, and one of them had like to strike the Mayor, but, I believe, no one did strike him.

My question was, how they received the Mayor, whether by cheers or hisses, or in what way? There were three cheers given to him at the end of making his speech to the mob.

What was said when those three cheers were given, or proposed to be given? I heard somebody sing out, "Three cheers for Mr. Pinney."

How soon after this was the military sent for? I do not exactly know; but I should think it must have been two or three hours after this occurred before they arrived.

About what time was it that this conversation took place with the Recorder and the Mayor? I should think about three o'clock.

Lord Tenterden.—Four, the other witnesses said? Three or four, somewhere thereabouts.

Mr. Sergeant Wilde.—Do you remember the military arriving? I do.

Do you also remember the constables being marshalled? Yes, but it was hours after that.

About what time was it that the constables were first marshalled? I believe it was about 8, or 9 o'clock perhaps.

Who arranged that marshalling? Major Mackworth, with the Mayor.

About what number of constables had you then remaining, when that arrangement was made? I should not suppose that there were 100.

Were you stationed with one of the parties. Yes, I was.

Where? In the front of the Mansion-house.

How long did you remain there? I remained there till 12 o'clock.

In what state was the square, at the time you left? Very quiet, or else I should not have left it.

Can you tell me whether about the same number of constables remained, or whether their numbers had diminished? Their numbers had diminished nearly half, because there was no orders for them to remain.

How early, after they had been marshalled, did you observe any diminution in their numbers? I found that they were diminished long before that.

After you were marshalled, how soon did you observe any diminution of the number there was at the time you were marshalled? I believe there were very few went away after we were marshalled.

Up to what time? Up to 12 o'clock.

Then you went home to bed? I went home to bed.

What number did you leave behind you? We were going home in all directions, because we thought the mob was all dispersed, at that time.

What time did you leave your house the next morning? I did not leave it till after Mr. Sheriff Hare waited upon me, in the morning, between nine and ten o'clock, for I had been wounded by the mob, and was very much fatigued, and I did not rise till between 9 and 10.

What was the message you received? Mr. Sheriff Hare called upon me, and consulted in what manner we had best put this down, and he asked me if I had any influence over the Political Union; I told him no, I did not belong to the body, but I knew several of them; well, would I endeavour to get them to come forward? I said I would do so.

Did you receive directions to attend at any given place? I did, at the Guildhall.

Did you go to the Guildhall, in consequence? No, not directly; I had orders to collect my constables together, to go down there.

Did you collect your constables? Some of them were gone out, and others were gone in different directions, and I saw but very few of them. After looking for the different parties, that I knew belonged to the Union, I went down Broad-street, with the intention of going to the Guildhall; I met one of the constables, who told me that they were all gone from there, and consequently I did not go any further, and I went then down to the square.

About what hour of the day do you suppose you arrived in the square? A little before 12.

What did you find going on in the square? I found numbers of the mob close to the Mansion-house door, and I saw some of the 3rd dragoon guards mounted upon their horses.

Did you find any constables there, or any civil force? No, I did not; I saw neither constables nor Magistrates.

What were the mob doing at that time? At that time they were scarcely doing any thing, except some of them handing up pitchers of liquor to the soldiers that were then on horseback, drinking with the soldiers.

How many soldiers were there? It appeared to me, I suppose about fifteen.

How long did you remain in the square? A very short time.

During any part of the time you remained there, was any rioting going on? Not just at that time.

Did you afterwards go to Bridewell? Yes, I did.

In what state was Bridewell at that time? It was on fire; it was then smoking.

What time did you get there? I should think it was somewhere about three o'clock, between two and three.

Did you find any Magistrate or constable, or any civil force there? No I did not; I went for that purpose, and provided I had seen a numberof constables, I would have prevented that fire taking place.

Finding neither magistrates nor constables there, did you go home? No, I did not go home; I was going in the direction of my own home, but I met one or two other constables, and we agreed that we would go down to the Guildhall, to see what service we could be.

Did you go? I attempted to go, but when I came to the end of Wine-street, there was Colonel Brereton, with about twenty of the 3rd dragoon guards with him, and the mob was cheering him as they passed, and he was cheering them: he had his cap off, and every one of the soldiers was waving his cap also; and I said to Mr. Adams———

Without telling us the talk you had, where did you go? I went home to protect my own property.

I believe you were not afterwards called out as a special constable? I had no orders till the next morning.

Did you see Captain Codrington's troop arrive? I did.

At what time did that arrive? I do not exactly know the time, but I think it must have been about ten o'clock.

Was there any Magistrate or civil power with them? No, there was not.

At the time you saw him was there any rioting or excess going on in the neighbourhood? Yes, in the street I lived in, the mob had broken

into one of the gin-shops; they broke the front of the man's house in, and took every drop of liquor he had in his possession; they took a time-piece out of one of the rooms, and they were in the act of taking the man's coat when he arrived.

Was that in the street where Captain Codrington was? Captain Codrington passed the door, and saw the mob at that time rioting.

Did you make any application to Captain Codrington upon the subject, or say any thing about the Magistrates? Yes, I went to Captain Codrington, and I told him that I held an official situation in the city; that I was chief constable of one of the wards; and that in my ward there was a house broken in by the mob, and I begged him to let me have a few of his men, to go back with me, in order to prevent any further mischief. Captain Codrington, at my request, sneered at me, and he says 'I cannot act till I have heard the Riot Act read.' 'Sir,' says I, 'I have heard the Riot Act read once or twice.' I begged him, and then he said, 'I am going now to the Bishop's Palace for instructions.'

What distance were those premises that were attacked, from the Council-house? About a quarter of a mile.

Are they in the same direction as Queen-square from the Council-house, or a different direction? They are not in a direct way to Queen-square.

Are they in Wine-street? Yes, you go through Wine-street.

Then that is at right angles with it? Yes.

If I understand you right, during this Sunday you did not meet any Magistrate? I did not.

Had you any other application made to you during that day, or until the following morning? I had not.

During the Saturday that you were in Queen-square, were you generally outside the Mansion-house or inside? Sometimes I was out and sometimes in.

Cross-examined by Mr. Campbell.

You were chief-constable of one of the wards of Bristol? I was.

There are twelve wards, each with a chief-constable? Yes.

And each chief constable having a certain number of constables under him? Yes.

Did the number of constables under the chief constable vary in the different wards? Yes, they did, according to the size of them.

You acted under the orders of Mr. Hare, the Sheriff? I did.

He is your proper superior? Most assuredly he is.

Had not he summoned all the chief constables to serve upon the Saturday, the 29th of October, with all the constables? He had.

Were not all the special constables that could be procured likewise summoned? Most assuredly they were; they were sworn-in.

All that could be procured? No, not all that could be procured, as many as we had orders to get.

Were not some hired? They were so.

As you could not get volunteers to act? Yes: we had orders from the Under-Sheriff, that each chief constable was to treble his force; there were 9 belonging to my ward, and I got two nines more, which makes twenty-seven, and I had orders that, if I could not get volunteers, respectable tradesmen, to come out, to order one part, that is, I was to form nine and I was to pay them for it, which I did, to make up the compliment.

Were you obliged to hire any in your ward? Yes, not being able to get the tradesmen to come forward.

Then the same course was pursued in all the other wards? It was.

At what hour did you assemble on the Saturday morning? I believe it was eight o'clock.

Had you been present at any former entrance of the Recorder to hold the assizes? I had.

At what hour of the day used he to enter? I believe he used to enter about one o'clock,—sometimes later.

Was not it arranged that the entrance upon this particular occasion should be some hours earlier, as a measure of precaution? It was so; that was done by the Magistrates, in my opinion very properly.

And upon this occasion, by order of the Magistrates, was not the procession shortened? Did not they meet the Recorder at a place nearer the Guildhall than what had been usual? No, at the very same place.

Where did they meet Sir Charles Wetherell? I believe they met at a place called the Blue Bowl, which is hardly half a mile from the city; but the place where I was assembled was at a place called Hill's-bridge, but there were one or two of the wards offered to go out of the city.

The constables, you say, were stationed at different places in the course of the procession? They were.

Did not it appear to you that these arrangements made by the Magistrates, were very judicious for the purpose of preserving the peace? Most assuredly they were.

Did you hear the Mayor address the constables before they went out to meet the Recorder? Yes, I did.

Do you recollect what he said to them, or the substance of it? The Mayor addressed us at the Exchange; he said he was very sorry to call them out, but he said he did it as a precaution,—that he did not expect any riot, but he thought it best that that precaution should be taken.

Do you recollect any advice or instructions he gave them? He gave us advice not to go out in a body out of the Exchange, because it would have an effect like an intimidation over the mob.

Did he exhort you to be vigilant and active? Most certainly.

And to act with temper and moderation? Most certainly.

Were you in the Guildhall when the Charter was read? No, there were so many of the mob that I could not get in.

Although you were not inside, did not you hear a great noise? I did.

And great confusion at that time? I did so.

After the Mayor with the Recorder had gone to the Mansion-house, and the mob were assembled round the Mansion-house, did not you see the Mayor himself actually come out? He came out once before he read the Riot Act.

Did not he address the mob at some length? Yes; I believe I said so before.

Did he come outside the Mansion-house? Yes.

And expose himself to the mob? Yes.

How long do you think he was outside the Mansion-house, exposing himself to the mob, at that time? A very few minutes.

But a few minutes? Yes.

Were not the mob at that time very violent? They certainly were.

Was there any reason assigned for giving three cheers? No, there was no reason assigned.

Do you know of Mr. Pinney having been present at any popular meeting? Yes, I do.

Respecting the Reform Bill? It had to do with Reform, certainly.

Mr. Pinney was in favour of the Reform, was not he? Yes, and so was every wise and honest man.

I am not asking your opinion upon that; do you know when Sir Charles Wetherell left Bristol? Yes, I do.

When? I am not certain as to the time, but I suppose it was between six and seven o'clock, on Saturday evening; I cannot speak exactly to the hour, because I did not know that he was gone till some time after.

Did not it appear to you that he was in danger of his life? No, I do not know that he was in danger of his life, more than any of us.

Had there been any attempt to fire the Mansion-house before he left? had they put any combustibles? had you observed? No, I had not observed.

You say the constables went away gradually, on Saturday evening; were there any orders for them to go? No, there were no orders for them to stay, or to go.

Did they ask leave to go? No, I can say, for one of my constables, that he asked leave to go; he was a pawnbroker, and being Saturday evening, the state of his trade was such that he wished to go.

I suppose you were very much fatigued? I was.

What sort of weather was it? The weather was very good on the Saturday.

It rained on the Sunday? Yes.

Do you know where Mr. Pinney was, on the Saturday night? Yes, in the Mansion-house.

All night? I left him there.

Lord TENTERDEN.—Whether he went away you do not know, I suppose? No.

Mr. CAMPBELL.—Did you see him there the next day? No.

Do you know where he was, early on Sunday morning? No, I do not; I did not go to the Mansion-house till near twelve o'clock.

Did you see any of the soldiers of the third dragoon guards waving their gloves, on the Saturday? Yes.

When the drink was handed to them? That was the Sunday; when first they arrived the mob gave them three cheers, and somebody sung out, "the King," and the mob of course joined in with the acclamation, as did also the soldiers, and there were three cheers given for the King.

And the soldiers joined in the acclamation? They did.

Did they say, "the King and Reform?" No, there was not a word said about reform; the reform had nothing in the world to do with it.

You were not present at the burning of the Palace? No, I was not.

Nor the Gaol? No, I was not.

You say, that you went home when you heard Colonel Brereton cheering the mob; what was your reason for going home? Because my life was in danger; when the mob was hand and glove with the soldiers, I thought it time to go home, and take care of my property, because I was a marked man.

Re-examined by Mr. Sergeant WILDE.

You were asked whether the Mayor remained at the Mansion-house; is the Mansion-house the usual residence of the Mayor, during the year of his mayoralty? It is.

The Mayor lived there during his mayoralty? Yes.

SAMUEL WARING having made his solemn affirmation, was examined by Mr. COLERIDGE.

In October, 1831, were you a merchant in Bristol? Yes.

Have you a counting-house in King-street? Yes.

Your residence was in the county of Gloucester? About two miles from the city.

Is King-street in the neighbourhood of Queen-square? Very near ndeed.

Do you remember going to Queen-square on Saturday afternoon he 29th? I do.

Before you went there, had you heard of the riot and mob? Yes.

What time did you go there? About half-past five in the evening.

When you arrived at the square did you go near the Mansion-house? I did; I went to the front, and stood near the rails.

At that time did you see any, and about how many, persons, conducting themselves riotously, in the front of the Mansion-house? I saw a large number of persons standing round the Mansion-house, 100 or about 150 persons, acting with violence, and making a noise.

When you arrived, had those persons effected any entrance into the Mansion-house? When I arrived I saw them throwing stones at the Mansion-house; they had not then effected any entry.

Did you see any of them effect an entry? I did; I stood some time there, and saw them pull down the iron rails in front of the Mansion-house, and then use the rails as weapons to break in the windows with.

Do you know the dining-room, on the ground floor of the Mansion-house? Yes, I do; it is on the left hand side of the house.

Do you recollect seeing them do any thing to that room? I saw them break in the window of that room with the rails.

Did you see any of the persons go into that room? I saw some of the mob in the room; whether they got in at the door or the window, I do not know.

Did you notice what they were doing? No, I did not.

Was any resistance offered to the persons so conducting themselves, by any body? I saw none whatever; there was no officer standing inside, and I saw none outside.

At the time you are now speaking of, had the military arrived? They had not.

Did any thing induce you to go away from the direction of the Mansion-house, at this time? As I was standing as before described, I saw two men come across from the other side of the square, with a large bundle of straw in their hands. I first of all stood a little in their way, to see where they were going, and I presently watched them go into the door or window of the Mansion-house, I am not sure which.

Two men? Yes.

Did that induce you to do any thing? Yes; I thereupon supposed they were going to set the house on fire, and I immediately ran from the square towards the centre of the city, thinking it would be better, as no resistance was made to them, that the fire-engines should be brought.

In doing that did you meet the military? In my way to Marsh-street I met the military, the 3rd dragoon guards, moving at a quick pace towards the square.

Did you go on, or return with them? I then returned back, and went to the Mansion-house.

Lord Tenterden.—What part of the military was it? The 3rd dragoon guards.

Mr. Coleridge.—Did you arrive there at the same time with them? Very nearly.

What took place on their arrival? On their arrival I heard a cheer for the King, from a great number of voices, and immediately all riots appeared to cease.

Was the space immediately in front of the Mansion-house clear, or did there continue to be a mob? They were moved back towards the rail of the square, and another portion of them by the low wall on the other side of Charlotte-street, leaving the military drawn up round the Mansion-house.

Did you leave the square then? Shortly afterwards; in about a quarter of an hour.

All riot appeared then at an end? Yes.

At what time did you return the next morning to the city? I reached the city about a quarter before ten.

Lord Tenterden.—The city is a large place? I reached the place called St. Augustine's Back, a quarter before ten.

Mr. Coleridge.—What time did you get to the Draw-bridge? About a quarter before ten.

When you arrived there did you meet the Mayor? On arriving at the Parade, I saw the Mayor walking with another gentleman on the pavement, and as his manner appeared to be hurried, I got out of my carriage, and went towards the pavement.

You have used the word St. Augustine's pavement, was that near the Draw-bridge? Yes, within sight of the Draw-bridge.

What is the name of the street at the bottom of which the Draw-bridge is? The street that runs parallel with the bridge is Clare-street; that is on the other side of the bridge from St. Augustine's.

The street leading up to the College-green was the street you were in? Yes, when I met the Mayor.

Did the Mayor say any thing to you? On my approaching him, on the pavement, he told me he had just escaped from the Mansion-house, and he earnestly entreated me to go to the Guildhall and to the Council-house particularly, to see what could be done, and that he hoped as many of the citizens as I saw would also go there.

Did you go? Yes, I did; I took out my horse, and I went to the Council-house.

Did any one go with you? Yes, Mr. Cunningham.

When you came to the Council-house, could you get in? No, we could not get in.

Where did you go then? I went to the Guildhall, thinking it might be a mistake, but I got no access there.

The Council-house is at the corner of the street between Broad-street and Wine-street? Yes.

And the Guildhall in Broad-street, lower down? Yes.

Is there an internal communication between the Council-house and Guildhall. No, there is not; there are several houses between.

Getting no access to the Guildhall, what did you do? I saw several persons entering the passage leading to the Guildhall Chambers: I went there, and ascended the stairs leading into the back of the Guildhall Chambers.

I believe you saw some of the Aldermen there? I went into the room on the left hand, and there I saw collected twenty or thirty persons.

Among them was Mr. Alderman George Hilhouse, I believe? Not when we arrived; he came in soon afterwards, and also Mr. Hare, the Under-Sheriff.

Did you find other citizens assembled besides yourself and those persons? Yes, twenty or thirty.

Did more arrive while you were there? They continued arriving.

Were the persons who arrived gentlemen, or some of all classes? Some of all classes; many gentlemen.

Did you see the Mayor there? Yes, the Mayor came soon afterwards.

And some other Magistrates? Yes, I observed some of them pass the room, and go into another room on the right hand side.

As to the gentlemen who came with you, and the other persons you found there, did you hear them make any offers of assistance to the Mayor and Magistrates? Not at that time; we all arrived to hear what could be proposed to us.

In consequence of any recommendation did you afterwards return to the Mansion-house from this place? Soon after we thus assembled, a conversation passed between Mr. Hare and myself, and some others; we were reproached———

I do not want to go into that:—you may state the conversation. On our being thus assembled, 20 or 30 persons, Mr. Sheriff Hare came towards us, and he said, "Gentlemen, Oh! I am glad you are come, we can do

nothing with the mob without you Reformers." We replied, we thought that was a wrong time to use any language of that sort; and just as we had finished, Mr. Alderman Hilhouse approached us; he had heard a part of the conversation, and said something that implied he thought that was not the kind of language for that time and place, and he said, "I think the best thing we can do is, to all go together to Queen-square, to the Mansion-house, and reason with the mob, for the fact is, I think this is brought on by the injudicious conduct of the special constables on the preceding day."

Do I understand you that, after this conversation, more persons arrived at this Guildhall chamber? They continued arriving.

To about what number? That little room appeared nearly full, and the passage outside nearly full also, leading from the top of the stairs.

After this did you return to the Mansion-house? We all immediately agreed to take Mr. Alderman Hilhouse's advice, and go to the Mansion-house, and mix with the people there assembled.

Did you do so? We did so.

Did Mr. Alderman George Hilhouse go with you? I believe he did.

When you came to the Mansion-house what state did you find the mob in? I found a mob assembled around the Mansion-house, 150 or 200 perhaps around the Mansion-house, in the road forming the two angles, and appearing drunk, most of them, and very boisterous; but they were doing nothing: no violence was going on.

Were the military there? Yes, they were.

Which regiment? The 3rd dragoon guards.

What were they doing? They were walking their horses, and stationed round the two angles of the house, with the horses' heads sometimes outwards and sometimes inwards towards the building.

Did you mix yourself among the mob? Yes, I did, and spoke to several of them.

Did you see at that time outside of the Mansion-house any constables? I saw none outside.

Did you go into the house afterwards? I did.

Did you find any civil force inside? I found several officers and several special constables.

Did you find there any of the party that came with you? Several.

Did you see any Magistrate there? I think at the time I speak of I saw Mr. Alderman Abraham Hilhouse.

How long did you remain at the Mansion-house? I remained at that time for half an hour.

While you remained there, were any acts of violence committed on the Mansion-house? Not at that time.

Which Mr. Alderman Hilhouse did you see there? Mr. Alderman Alraham Hilhouse once I saw up stairs.

Did you see Mr. Alderman George Hilhouse once? I saw him enter the house and go up stairs, and very shortly afterwards he went out of the house.

Which of the two brothers is the tallest? Mr. Alderman Abraham Hilhouse is the tallest of the two.

From the Mansion-house did you go back to the Guildhall chamber? I did.

When you went back, did you find persons still coming as before? I did.

Did they have conversation with any of the Magistrates as to their services? I staid but a very short time, and returned a second time to the Mansion-house.

Before you went back, did you observe the persons that came, go away and others come in, and so that there was a constant succession? Yes, there was a constant succession,—they came in and went out the same way.

When you went back the second time to the Mansion-house, did you see Mr. Alderman George Hilhouse? No: I saw Mr. Alderman Abraham Hilhouse.

Did you state to Mr. Aldermin George Hilhouse on your return to the Council-chamber, the state of affairs? Not the first time; I staid a short time at the Mansion-house; I endeavoured to ascertain what it was the mob were seeking after and what was the cause of the disturbance; and several to whom I spoke, not one of whom I knew, said that they wanted Sir Charles,—that was their expression. I reasoned with them upon the impropriety of their assembling for such an object as molesting of his Majesty's judge, that they knew was not there; they still persisted in wanting Sir Charles.

Did you return and communicate the state of things and the number of the mob? I then returned to the back chamber of the Guildhall, and I then saw in the passage the Mayor and Alderman George Hilhouse.

Did you say anything to the Mayor about what you had seen? I described what I had seen and what had been said to me.

State what you said? I said that the mob were very drunk and apparently in a very bad spirit, and I thought that something should be done promptly to repress them.

Did you say anything to the Mayor as to the making use of the persons there ready to assist him? I remarked, there were a great many persons present, the inner room was full and the passage, and suggested whether we could not do something in general concert.

Did you yourself suggest anything? I did; but on my making the remark I before mentioned of our being assembled, the Mayor and Mr. Alderman Hilhouse sitting together said, one of them, I do not know which, but one of them said, you know we are not strong enough,—we have no military, or very few.

Upon that, did you suggest anything? I said, if that was the case, that they were not strong enough, I would suggest,———first of all I should say, that they appeared very desirous to have any suggestion offered of any thing that could be done; and I then remarked, as they felt they were not strong enough, whether or not some *ruse* might not be resorted to, to attract the mob away from the Mansion-house; that appeared to be the odious point, and they asked me what I could suggest, and I suggested something to the taste of the mob, though very distasteful to myself and to them, would be the best means to attract them away; and I thought that an effigy would be the best thing to attract them to Brandon-hill.

Sir James Scarlett.—Whose effigy? I do not remember that I suggested any, but as the mob told me they were seeking Sir Charles Wetherell, if I suggested any, I suggested Sir Charles, but I do not know that I did.

Mr. Coleridge.—What answer was made to that suggestion? The Mayor said thereupon, "will you come with me into the Magistrates' room, and tell us generally what you think?" Mr. Alderman Hilhouse and the Mayor then accompanied me into the Magistrates' room.

Do you know Mr. Roberts, a dissenting teacher? Yes, I do.

Do you remember the Mayor introducing him into the room? When the Mayor introduced me into the room, he took me to the head of the table, and I saw Mr. Alderman Daniel on one side and Mr. Alderman Goldney at the other side, and he placed me between them.

Do you remember the Mayor introducing Mr. Roberts? Yes, I do.

Lord Tenterden.—That was some little time afterwards? Yes, about five minutes afterwards.

Mr. Coleridge.—Did the Mayor say any thing about Mr. Roberts? The Mayor spoke to Mr. Alderman Daniel and said, that Mr. Roberts wished to propose something—to make a speech in the square.

Was it agreed to? I do not know; I did not remain, I immediately went out of the room; finding they seemed more disposed to entertain the speech than my proposition, I left the room.

After that, did the Mayor come out with Mr. Roberts? Yes, he came out with Mr. Roberts, and he said they had agreed for this speech to be made in Queen-square.

Did he say anything more at that time? He took off his hat and addressed us all in the passage, and he proposed we should go with Mr. Roberts, that we should all act in concert and keep together.

Did you attend Mr. Roberts? Very many of us left the passage in question, and went to the Mansion-house.

Did you hear Mr. Roberts make a speech? I heard him attempt to make one, rather than make it.

Were the audience at that time sober or how? Oh, they were drunk.

You say the mob were drunk; what were they doing besides? They were just at that time throwing stones against the Charlotte-street side of the Mansion-house.

Was Capt. Warrington with you at that time? An officer commanding the third dragoon guards, whom I have since understood to be Captain Warrington, was there.

Did certain persons of the mob come up to you? I mixed with the mob to ascertain what they were seeking, and by that time they were convinced that Sir Charles Wetherell had left the city, but they said, that a little boy had been captured.

Was anything said about Sir Charles Wetherell? I told them I had learnt at the Mansion-house, that Sir Charles Wetherell had left the city, and I was sure he had, but whether he had or had not, they ought to leave the square instantly.

You told them that they ought to leave the square? Yes.

What did they say to you upon that? They said to me, that they did not believe it,—that he had not left, that he was still there. I told them, that the Magistrates had announced at the Council-office that he had left, and I assured them that he had left; and one of them said, that he had not left, that he was there still, that there was a paper put out, but it meant that he had left last year, that it was a trick upon them.

Had there been any paper put out? Not that I knew of, that was the first time I heard of it.

You assured them that he had left? Yes, and I believe they were convinced that he had.

Did they say to you what they were going to do? I recollect an incident shewing they believed he had left; they said, if the Quaker will tell us he has left, we will believe it. I then assured them that he had left.

Did they say what they should do? I still saw them throwing stones, and I was going to relate the cause.

That boy that was taken was released? Yes.

Who took the boy prisoner, do you know? He was taken in the front of the Mansion-house, and carried into the Mansion-house.

Did you see the boy afterwards released? I did.

After his release, did you hear them say what they would do then? After the boy was released they turned to us, standing together with the soldiers; we were standing at the edge of the pavement, and they said, "we will do no more here,—we will go to the Bridewell, and release the prisoners that were taken last night."

Did they speak any thing of any other gaol? "And then we will go and release those prisoners Sir Charles was to have tried."

Now, upon hearing this, did you go to any other Magistrates in the Mansion-house. I continued to reason with them upon the impropriety of

their conduct, and told them I should go and apprize the Magistrates of it; and they left the place one by one, and I went into the Mansion-house, and told Mr. Alderman Abraham Hillhouse what they had said.

Had you seen that same gentleman there before, at the time the boy was released? Yes.

Mr. Abraham Hillhouse? Yes.

Was he present at the time the boy was released? Yes, he was.

When you communicated this to Mr. Alderman Abraham Hillhouse, what answer did you get? He treated it very lightly, and said, "never mind;—never mind," said he, "the walls and gates are strong enough."

You say you perceived the mob go off one by one from the Mansion-house, did you leave the city? I went up the second time to Mr. Alderman Abraham Hillhouse, to impress upon him the necessity of guarding the gaol.

With the same success? With the like want of success.

About what time was this you left the Mansion-house, and went out of the city? I left the Mansion-house, the last time, about one o'clock in the day; at that time I left it at twelve, but I went again, and left it at one o'clock finally.

Lord Tenterden.—You left the city, and went home? I left the city about two, and went home.

Mr. Coleridge.—Did you return again that evening? I returned again in the evening about six o'clock.

Had the light of any fire alarmed you? I saw a light rising over the hilly ground, which I could not account for, and, on enquiry, I learned that the Gaol was on fire.

What time did you reach the city again? About half-past six to seven.

Where did you go? I went very soon to the Council-house.

Did you see any Magistrate there? At that time I saw none.

Did you find any persons there assembled? Several officers were at the bottom of the stairs.

Were any of the inhabitants or gentry of the city there? Yes, many were constantly crowding in.

Did any of the Magistrates arrive at the Council-house? Not at that time; the Magistrates may have been in the Council-house at the time; I did not see them.

Did you enquire for any Magistrate? I enquired of the officer at the foot of the stairs whether a Magistrate was there, and he made me some answer that made me suppose there was not; but I did not go up stairs.

Where were those persons crowding in? We were standing on the floor of the Council-house.

Was there any Magistrate among those gentry? No, I did not see one.

Was any thing said about the Bishop's-palace? I left the Council-house, and went to the Mansion-house, and other parts of the city, to see what was going on; but I returned to the Council-house about an hour afterwards, and went up stairs, and on the landing-place I met several gentlemen; the stairs and the staircase was crowded, and standing there was Mr. Alderman Savage.

Did the inhabitants or the persons there address any request to Mr. Alderman Savage? Several persons there addressed Mr. Alderman Savage, requesting him to let them go and defend the Bishop's-palace: he replied, "no, we can give you no such permission; we are advised to call out the posse comitatis to-morrow morning, and can do nothing till then."

Did you see Mr. Garrard there, the chamberlain? Yes.

Did you make any request of a Magistrate from him? That was not at the same time,—it was at my third or fourth visit.

How long was it afterwards? It might be a third of an hour afterwards, it was half-past eight or nine.

Could you find any Magistrate there? I found Mr. Garrard only, except a few constables.

Did you make any enquiry for a Magistrate? I did; I asked Mr. Garrard if there was any Magistrate, and he said they were not there. I asked if any would be there; he said they would not,—they were gone.

During this time did you or any of the citizens receive any instructions what to do? No, none whatever.

Had you been to Queen-square in any of the intervals between the times of your going to the Council-house for Magistrates? Yes, I went to the square between the two last visits to the Council-house.

What state did you find things in? There was a very small mob assembled round the Mansion-house.

How many? A very small number; and so early as that there were very few round the house; but they had extinguished the gas lamp in the front of the Mansion-house, and had entered it, and were plundering it.

Could you say whether they were the same persons as were there in the morning? I took notice of several of the people that were assisting, and they appeared to be a different sort of people,—dirty looking fellows.

Was there any resistance offered to them? No, none whatever.

What did they appear to be engaged in? They were plundering; I heard a noise, and I went to the door of the Mansion-house.

Did you see the houses in succession attacked? Later in the evening I saw the other houses attacked.

Seeing these matters going on, and the character of the mob, did you go anywhere for civil assistance? Nothing more than going backwards and forwards to the Council house, that being the place where the Magistrates were usually to be found; except that, on one occasion, I did go from the Council-house to the Bishop's-palace; having heard that some of the Authorities were there, I went, but could find no one.

Did you know of any other place to go to for Magistrates? No, I went to the Guildhall, to see if there were any there; but I found there was no one there.

How late did you stay in the square, while the firing was going on? Until eleven, or half-past eleven, that night.

Did the mob increase or decrease in numbers? I think, for a time, they increased, at the houses they were plundering; I thought they were coming from the Gaol at that time, where they were released; and that, having done at that point, they returned to the other point; I think there were two hundred persons employed in plundering, and setting fire to the houses.

Do I understand you that two hundred was the largest number you saw so employed? Yes, I do not think, judging from what I saw in the house and afterwards, that there could have been quite so many as two hundred.

Was your own house destroyed, or your counting-house? Yes, my counting-house was burnt early in the morning; it was at the back of one of the houses in the square that caught fire.

What time was it? About four or five in the morning.

Was the mob at that time numerous? They gradually dwindled.

Lord Tenterden.—Were you there? Yes, I was.

Mr. Coleridge.—You say they dwindled? Yes, a great many lives appeared to be lost by the fire at the Custom-house; I saw them afterwards, all along that row, and at last they gradually dwindled down to fifty persons, by day-light, in the morning.

When did you leave the city? At eight in the morning.

Lord Tenterden.—You remained in the city all night? I remained all night with one exception, with the exception of about an hour and a half, in which I took my own books and papers from the counting-house into the country; I then returned, and on my return I found that the fire had got to the Custom-house.

Mr. Coleridge.—During the time you have been speaking of, from the period that the military entered Queen-square, did you see any exercise of the civil power at all? None whatever.

Cross-examined by Sir James Scarlett.

You say you have a counting-house at Bristol, what is your business? My principal business is connected with a brewery in Ireland; our principal article of commerce is malt liquor, brewed in Ireland, and we sell in the different ports of England, London among others, large quantities of that article.

You sell malt liquor? Yes.

Bottled, I suppose? Bottled and in casks, but principally in casks.

I observe you seem to have had some influence with the mob? I know of no other influence than the reasons I endeavoured to advance for their dispersing.

Did you think you had any influence with the mob or not? No, certainly, not any more than my neighbours: I had gone at the special request of the Mayor.

You went to the Mayor and Mr. Hilhouse, or one of them, and suggested something; I observed you were a long time labouring out that you suggested there should be somebody burnt in effigy. Yes, I did.

Did you not suggest Sir Charles Wetherell? I will not say that I did.

Will you affirm that you did not? No, I will not: I thought at the time that that would be the most effectual effigy to draw off the mob.

You thought Sir Charles Wetherell would be the best, with his hands in his pockets? No, I had never the pleasure of seeing him, and I did not picture him in any attitude.

Will you venture to say that, in terms, you did not name him? No, I will not: I think it is possible I did.

Is it not probable? I think it probable.

Do you not believe you did? I do not think I did to the Magistrates; to some persons I went with from the square I did.

Did you not name him to the Magistrates as the person to be burnt in effigy? I believe that I did not.

You said you thought it probable you had named him? I do not think I did.

Do you not think it probable that you named him? Perhaps it is.

Did you not propose, in terms, the effigy to be that of Sir Charles Wetherell? No, I did not propose it in terms,—I believe I did not propose it in terms.

You say that, upon your solemn affirmation, you did not mention his name as the person to be burnt in effigy. I believe I did not.

Did you not mention him as Recorder? No, I believe I did not, but if they had put it to me what effigy———

Do not put that upon me; I am asking what passed, and you had better reflect upon it, as there were two Magistrates present: upon your affirmation, did you not state Sir Charles Wetherell, or the Recorder, so as to indicate he was the person to be burnt in effigy? I do not believe that I did, but it was most present to my mind that that would be most effectual: it was self-evident that that was what I meant.

You proposed a burning in effigy? Yes, as a point of attraction.

The Dissenting Minister proposed a speech? Yes.

When he proposed a speech, and your suggestion was not adopted, you went away? I went out into the passage.

When the Dissenting Minister was going to make a speech, you followed him? Yes.

Did you endeavour to get him a hearing? I wished it certainly.

Did you endeavour to do so?—did you say, 'here is this gentleman, an

eloquent man,—you had better hear him'? I did endeavour to do so; but there was such an uproar and noise; there was buzzaing and all sorts of noises.

Were any of the military there? There was a number of women there, endeavouring to release a little boy, and I believe that interested them, and prevented Mr. Roberts being heard.

Were any of the military there? Yes.

How many? About twenty soldiers.

Do you remember having some hand-bill, or notice, put into your hands, requesting the people to assemble, and tearing it, on Sunday morning? No, I had no hand-bill put into my hands on Sunday morning.

Did you not see a hand-bill that morning, whether put into your hands or not, requesting persons to assemble? I did not see it; I heard there was such a hand-bill.

Did you make any remark upon it? No, I made no remark, but I went to the point specified in the hand-bill, but it was the least necessary for me, because I was specially requested by the Mayor.

Do you remember, in Queen-square, on Sunday morning, seeing two men reading a notice from the Mayor, calliug upon the people to assemble, and asking what it was? I do not remember it.

Will you affirm that it did not pass? I have no recollection of it.

Do you remember taking it out of their hands, and tearing it, and saying, 'pooh! we want reform?' I have such a clear recollection, that I do not think I could have said it.

Will you say you did not? I will.

You have seen the briefs of the Crown? I do not know that I have seen the briefs of the Crown: I have seen the case, with a note in the margin, of the witnesses.

Did you never say you had read the Crown brief? I think it very likely.

Have you not said you had? I do not know that I did.

Did you not say, you had read the Crown brief? I believe I did.

Is it impossible for a gentleman of your persuasion, which is a very pious one, to give a direct answer? I wish to give a correct answer; my doubt is, whether it is a correct expression for me to say that I have seen the Crown brief: I have seen the document containing the case.

Did you assist in preparing it? I did not.

Did you correspond with my learned friend, the Attorney-General? I may have heard from the Attorney-General, but nothing touching the case.

Did you not write to him? Yes.

Upon the subject of this prosecution? I do not know that I have; I believe I have not, but I will consider whether I have, before I make an answer.

I do not know that you have, but I want to know whether you have not said that you have? Certainly not on this prosecution.

Perhaps Lord Melbourne,—you may have favoured him with some communication? No, I have not.

You have stated, in the early part of your evidence, that when you first went to the Mansion-house, you saw some persons pulling down the rails outside, in order to break the windows? I saw them both pulling down the rails and breaking the windows.

Were you standing very near? I was standing under the end of the Custom-house.

That is no answer to my question: I do not know where the Custom-house is: were you standing near those persons? Yes.

Did you endeavour to prevent them? No, and for this very simple reason, that I was nearly alone; there was not more than another person with me, and they were 200 of the mob.

Upon your affirmation, were not there many thousand persons assembled at that time? There were several persons, perhaps 500 or 1000.

Did you not know one of them? I knew two of them, and but two.

Did you call upon any of them to come and help you, if you could not do it alone? No.

Why not? I went to do that which I thought of more avail, seeing the straw coming.

Before that;—you did not see the straw for some time afterwards.

Mr. Attorney-General.—Let him finish his answer.

Sir James Scarlett.—The Attorney-General wishes you to finish about the straw: get into the straw, and get out of it, as soon as you can. How long was it, after you arrived, before you saw the two men taking in a bundle of straw? I suppose it might have been rather more than a quarter of an hour.

Were the men carrying the bundle of straw at the same time you saw other men pulling down the iron rails to break the windows? Yes, they were certainly so occupied at the same time: they were all acting at the same time: it was a very rapid movement.

At the time you first saw the men pulling down the rails, did you see the two men bringing a bundle of straw? No, not when they were pulling them down, but while using them.

A few minutes before you saw the straw brought, you saw the men pulling down the rails? Yes.

Did you not call upon the 500 people you saw, to help you to prevent them pulling down the rails? No, but I asked some friends round me; I asked them what we could do, particularly a gentleman of the name of Reynolds: we moved opposite the house, and endeavoured to consult together upon the subject.

Endeavoured to consult? We did consult together.

Were the whole 500 or 1000 people consulting?—did you find any body coming forward to repel them? I did not see any one do any thing, nor did I see any officer there.

Do you know all of them by sight? I saw none that I knew.

What time was this? Between five and six.

Do you mean to say that, in your opinion, when the military came, and these cheers were given, there were not above 500 or 1000 people? I mean to say that I think there were not more than 1000 persons then assembled, if so many.

Queen-square is a very large square? Yes: I was so situated that there might have been more round in Charlotte-steeet, without my seeing them.

Those witnesses that suppose there were several thousand must be mistaken? Yes, unless they saw other places and avenues of the square.

### Re-examined by Mr. Attorney-General.

Did you form any judgment at the time, what civil force would have been sufficient to clear the mob that were active at the time, my learned friend has just spoken of? I really believe that 100 or 150 at the outside contending with the mob would have been ample to suppress them, but had the whole number I saw been riotous persons, it could not have been so; but my opinion is, that only a small number were riotous persons and the others standing by.

With reference to the Crown briefs which you have been asked about, was there a public meeting of the inhabitants of Bristol, to enquire into these circumstances? There was.

And a committee appointed for that purpose? There was.

Were you one of the committee? I was.

Was the evidence of several witnessss taken down? Yes, many witnesses.

Was that afterwards handed to the Solicitor of the Treasury? It went to the Home-office.

Was there a solicitor employed to take that evidence down, or two solicitors, Messrs. Cross and Jarman? Yes, they were chosen by the committee.

Had the Crown any thing to do with those depositions, till they were handed over by Messrs. Cross and Jarman? Nothing whatever.

Was Mr. Cross the person that shewed you that document you have termed the Crown briefs? Yes, he was.

Sir JAMES SCARLETT.—Will your Lordships allow me, upon this, to put some questions? I beg to say, that I think it was the other solicitor that showed me the document.

There was a committee appointed to take depositions against the magistrates?

Lord TENTERDEN.—To enquire into their conduct?

Mr. ATTORNEY-GENERAL.—I do not know that this is very regular.

Sir JAMES SCARLETT.—It is explaining a question you asked; were any of the magistrates present when any deposition was made against them? No, they were not.

Mr. ATTORNEY-GENERAL.—Did any of their friends attend? I believe not.

Was it the result of a public meeting? Yes, of all parties.

Was any thing taken as a deposition against the Magistrates, or did the parties come and state it voluntary? The public meeting before spoken of had instructed the committee to take evidence regarding the events of the 29th and 30th of October, not affecting the Magistrates, or any person in particular; the consequence was, that the committee received information against the magistrates, the military, or the police, or anybody;—any thing that might elicit the truth touching these riots.

Mr. THOMAS SHEPPARD, sworn.—Examined by Mr. SHEPHERD.

You are a corn factor at Bristol? Yes.

On the 29th of October last, were you residing in Queen-square, Bristol? Yes.

About three doors from the Mansion-house? Yes.

Did you observe on that day, the procession of the Recorder and the Mayor coming towards the Mansion-house? Yes, I did.

What time? It was between one and two o'clock on Saturday.

Was there a great crowd of people? Yes, and constables.

Did you see it from your window? From my drawing-room window I saw it.

Whilst you were there was there any violence and any conflict between the mob and constables? I think two or three stones were thrown at the carriage Sir Charles Wetherell was in and at the Mansion-house window.

Subsequently to that, was there any conflict between the constables and the mob? There was.

How long did you remain at your window? I was at the window very near an hour.

Did you about three o'clock leave your house to go into the town? I did.

At what time did you return home? About eight o'clock.

When you returned home in consequence of what you heard or saw, did you go to the Mansion-house? I did.

I believe you had been a special constable before? In the December previous, at the time there was some disturbance in the country, I was sworn in special constable.

Did you take your staff with you? Yes.

What did you go to the Mansion-house for? I went to protect the house and Sir Charles Wetherell, if he was there.

When you arrived there, in what state was it? The lower windows were broken in, the windows and frames and all, and the front door was open, and the chandelier, tables, and glasses, were all broken.

Were there any special constables there? Yes, a few.

In what state did they appear to be? In a state of confusion, the greatest confusion.

Did they appear to be organized? Not at all at that time.

Did you make any inquiries for the Mayor? I did.

Were you able to see him at first? I went up to the drawing-room, and told him in that state of confusion it was impossible to put down the mob.

Did you see the Mayor? Yes.

When? Between eight and nine,—near nine.

What did you say to the Mayor? I said, I thought it would be necessary to organize the constables to prevent the confusion, and that by forming them into divisions, it would be better than letting each of them act according to his own wish.

Was Major Mackworth there then? Yes, he was.

Were any of the constables, and yourself among the number, organized by Major Mackworth? The Mayor, when I proposed it said, "what do you propose?" I said, to form them into divisions and companies,—that it would be better; in consequence of which the Mayor asked Major Mackworth to walk down stairs; and he reqnested the constables to follow him; and he requested Major Mackworth to form them into companies, and with his assistance it was done.

Were you appointed with any company? The Mayor enquired if the chief constable of St. Stephen's parish was there, and he was not, and only one of the sub-constables, and he asked me if I would take the command; and I said I would.

Did you take the command? Yes, I did.

How many? Twenty-five.

Where were you stationed? At the corner of the Mansion-house, at the corner of Charlotte-street and Little-King-street.

Shortly after you were placed there, did anything occur? Yes, we had not been stationed there more than five minutes, perhaps less, when a party of the 14th dragoons came gallopping by us; I called out to know why they retreated, and the Sergeant, I think it was a Sergeant's guard,———

How many were there? About ten to a dozen. The Sergeant who commanded the troops said, we are not going to stay here to be murdered or to be sacrificed,—I think that was the word made use of. I said, "why do you not disperse them?" in answer.

Sir James Scarlett.—Are we to have this conversation with the Sergeant?

Lord Tenterden.—It is not evidence.

Sir James Scarlett.—The Sergeant might be called.

Mr. Shepherd.—Did you observe one of those soldiers in any particular situation? One of the soldiers was wounded in the head, and the Sergeant said, here is one of my comrades wounded. I took hold of the bridle, and requested one of my men to lift the dragoon off and carry him into the Mansion-house, which was done.

Did you direct the soldiers to do anything or go any where? There was a volley of stones or missiles thrown at the constables and soldiers, and I told them they had better take the horses out of the range of the stones, which they did, and went towards the square

At this time how many constables were you left with? When the first volley of stones was thrown, I had scarcely time to look round before there were only four or five left with me.

Out of the twenty-five? Yes.

After the constables were first marshalled by Major Mackworth, did you see any Magistrate there? Only the Mayor.

In what room was the Mayor? He came to the door of the outside drawing-room, when I asked to see him; the other Magistrates were outside.

In what room was the Mayor, at the time of the marshalling? In the Banqueting-room.

When you found yourself left with so few constables, did you retreat into the Mansion-house? I said as there were so few, we could do no good, and we had better go in.

Did you go into the Mansion-house? Yes.

Did you see the Mayor? Yes, soon after we got in.

When you went out with your party of twenty-five, did any Magistrate go with you, or with any other party? I did not see any Magistrate come down stairs at all.

Did any Magistrate visit you, or come near to you, from the time you were sent out till your party were reduced to five? They did not.

Whilst you were out with that party, were any orders or directions sent to you by any of the Magistrates? Not any.

When you returned into the Mansion-house, did you see the Mayor? I inquired for him.

He was not there? He was up in the drawing-room.

Did he come upon your inquiring? I was informed by one of the Council-house clerks, that the Magistrates were sitting in council.

What did you do? I walked about till I could see him again: I soon after saw him; he came out to the door: I said, "I understand the Council-house is attacked, and unless some measures are resorted to, private property will suffer."

Was any thing said about the soldiers? The constables were requested to go out with a troop of the 14th dragoons, and to take torches, for the lamps were all put out, and they made a charge with the constables, and drove the mob away before them up Back-street.

Sir James Scarlett.—Were you with them? Yes, I was.

Mr. Shepherd.— Whilst the soldiers were doing this, was there any civil force to assist them? About thirty or forty constables went with them to accompany them; the soldiers went half-way up Back-street, and then returned, and so did the constables also, and a great many constables, when they got out of the Mansion-house, did not appear afterwards.

Are there many alleys about Back-street? Yes.

Where did the mob go to? They got up those alleys and in the dark corners.

Could the cavalry follow them? No, they could not.

Lord Tenterden.—What part of the cavalry was it? A troop of the 14th dragoons.

Mr. Shepherd.—The Riot Act was read then? It was read about eleven or twelve o'clock, at the Mansion-house door.

By the Mayor? Yes.

After the Riot Act was read, did the Mayor go up stairs? He did.

Lord Tenterden.—What time was the Riot Act read? Between eleven and twelve.

Sir James Scarlett.—It was the second time.

Mr. Shepherd.—Did you follow the Mayor up stairs? No.

How long did the Mayor stay at the door? About ten minutes: I was standing alongside of him.

Did you follow the Mayor up into the drawing-room? I did not.

Did you see him in the room, with other Magistrates, shortly afterwards? I did.

Did you say any thing to them?—what Aldermen were they, do you recollect? Not exactly.

Do you recollect how many? No.

Do you recollect what you said to them? That was the time I said I understood the Council-house was attacked, and unless coercive measures were resorted to, private property would suffer afterwards.

Did you make any offer to the Magistrates? I said at the time, with the assistance of the military I would undertake, with twenty-five men, to disperse the mob that was there at that time---that is, if the constables were permitted to be properly armed, with the assistance of the military I would put it down, and I would have done so.

Was any thing said about the Magistrates coming down? Yes.

Lord TENTERDEN.---What did he say?—he says he told the Mayor something, what answer did you get? I do not recollect that he gave me any definite answer at that time.

Mr. SHEPHERD.---Was any direction given to the military to assist you? There was not.

Were there any military at the door at that time? Yes, there were.

I asked you before, and I do not think you answered it, was there any thing said to the Magistrates about their coming down and going out with the constables? Yes, I certainly was very much annoyed at the time, and I believe I said, in a hasty manner, "why do not some of the Magistrates come down, and expose themselves to the fury of the populace, as well as us?" It was at the drawing-room door I said that.

Did they make any answer to that? No, they did not.

Did you go to the Hall, and address yourself to any of the bystanders?

Lord TENTERDEN.---Would that be material in Mr. Pinney's case, what is said and done in his absence?

Mr. SHEPHERD.---What did you do after that time? I said, "come, boys, let us chase these fellows away." Then Mr. Pinney ordered the constables to get torches.

Did you go out afterwards with any persons? Yes, I went out with the constables, and some of the 14th dragoons, with torches, and then we went up Back-street, and drove the mob away.

Did you receive any wound? I was struck by a stone or a brick-bat, on the back of my head.

Was that the time you are speaking of? Yes.

Mr. Justice LITTLEDALE.---What time in the evening was this? To the best of my recollection between twelve and one, but I had left my watch at home.

Lord TENTERDEN.---Between twelve and one at night? Between twelve and one on the Sunday morning.

Mr. SHEPHERD.---When did you leave the Mansion-house on this night? I think, to the best of my recollection, between one and two in the morning.

Why did you leave it? Because I thought I could not do any good, in consequence of not being supported.

Not being supported by whom? By the orders of the Magistrates, and the special constables and others.

On the next morning, Sunday morning, how soon did you see any thing? About eight o'clock in the morning, my wife was very much alarmed by the noise in the street, and I got out of bed and looked out of the window, and I saw a mob attacking the Mansion-house, and some of the iron railing that had been left the previous night,---pulling them down; and some of the mob took the bars, and broke in the barricading that had been put up the previous night, at the Mansion-house windows and doors.

About what number did the mob consist of? When I looked out of the window, men, women, and children, I do not think there could be more than 200: there were children there not more than from six to ten years old.

Did they attack the door of the Mansion-house? They broke the barricading in.

Was any resistance offered to them during that time? There was not.

Did you see any of the Magistrates, or any of the civil power there at that time? I did not.

Did they get into the house? I think they got in somewhere about nine o'clock.

What did they do? They threw the furniture out at the windows, and they were not content with that, but the parties outside broke them in the smallest pieces they could, and they threw the glasses on the ground, and they got into the cellars, and brought out the wine and drank it.

How long were they about this? They must have been two hours about it.

At this time did any of the civil power appear? It was about eleven o'clock that Mr. Alderman Abraham Hilhouse, and some other gentlemen, passed my house, and went to the Mansion-house.

Were there any military with those Aldermen? No military came with them: there were military outside of the door.

On the appearance of the military and those gentlemen, what did the mob do? I do not think there was any military there: when Mr. Alderman Hilhouse came down, he addressed the mob, and spoke to them, and they were quiet some time except hurraing.

Did they remain there, or did they disperse at all? They remained there.

Did Mr. Alderman Hilhouse and the other gentlemen go into the Mansion-house? They did.

Did you see the 14th dragoons in the square about that time? They came into the square between nine and ten on the Sunday morning, but I cannot be very accurate as to the time.

Did they leave the square? I saw Colonel Brereton ride up to them: they were formed opposite the Custom-house. I do not know what he said, and immediately after they rode off, the mob hooting and yelling, and making a great deal of noise.

Where were you, when you saw all this? I was looking out of my bedroom window.

Did you see, shortly after the 14th went away, Mr. Alderman Hilhouse leave the Mansion-house? No, I did not; I went to the door myself.

Did you see the mob do any thing? It was about one o'clock some of the 3rd dragoons came back again: they were marching up and down before the door, and the mob got into the cellars; they were taking the wine and liquor out.

Were you backwards and forwards from your house during the whole of that day? I did not go out of my house till the evening.

Did this plunder of the Mansion-house continue during the whole of that day? Yes it did; it was not so much plunder as destruction.

During the whole of that day was there any civil force brought against the rioters? I did not see any.

Was the Mansion-house fired that evening? Between nine and ten o'clock that evening.

What did you do when you saw the Mansion-house fired? My wife and children and servants left the house about five o'clock, and as soon as I found the Mansion-house was on fire, I requested my man to stop with me as I was alone in the house, and I got a box to put my cash in.

Was Miss Vigor's house attacked? Yes, and Mr. Leman's,—they were between me and the Mansion-house.

Did you go into that house? Yes, I did.

Was there any obstruction offered to your going in? No, the mob were destroying it and plundering it.

What state were the mob in then? A great many were intoxicated and quite riotous, and acted as if the town was in their possession.

In your judgment at that time, what force would it have required to put them down? At that time, I should think 400 or 500 soldiers and 400 or 500 constables, because, at that time, they were at their height.

I am speaking of the time when you went into Miss Vigor's house? It would have taken a large force to put them down,—they were just at the height of their wickedness.

Mr. Justice LITTLEDALE.—What force did you mention? Four or five hundred men, and two or three hundred constables,—I mean to put the mob down in the city, not merely in the square.

Mr. SHEPHERD.—I mean the mob in the square plundering the house? I should think 150 resolute men armed would have put them down in the square.

How late did you remain in the square? I was there all night.

Your house was burned down? Yes it was, and my warehouse.

Did the mob offer any violence to you whilst they were burning your house? Not the slightest.

Did you pass through them? I did,—I passed through them when they were in the court.

Had you any men in your house? Yes, I had.

How many? About four or five.

How did your house catch fire? The house by the side of mine was on fire before mine, and mine took fire from the roof, and their stables were very near in the rear of my house.

Could your three men have defended your house successfully but for the fire? I would then have undertaken to defend my house with the men I had; if it had not been for the fire I would have had some means to defend myself, but it was of no use when I was in danger of being burnt, and the fire was over my head.

Supposing there had been any civil force to stop the burning, could you and your men have defended your house? Yes, certainly.

Sir JAMES SCARLETT.—What has that to do with it?

Mr. SHEPHERD.—Did you pass into Miss Vigor's house without any obstruction? Yes, I did.

During the whole of that night was there any civil force brought to quell the rioters in Queen-square? There was not.

Did you see any Magistrate there? I did not.

How long did this go on without any interruption? Until about five or six o'clock in the morning.

Did you see the mob at last suppressed? I saw the soldiers ride into the square; at that time I was going down to my wife and family.

How many soldiers and gentlemen were there together? From what I saw of the troop, from about 20 to 25 of the troop.

How many gentlemen? I cannot say,—I was not near enough.

Lord TENTERDEN.—What regiment was it? The 3rd dragoon guards.

Cross-examined by Mr. CAMPBELL.

Do you think the mob might have been as easily suppressed on the Sunday as it was on the Monday morning? I think on the Monday morning a small force might have put it down.

Have you had much experience in suppressing mobs? No, I only know what my own feelings are.

You speak of your own feelings at the moment? I felt no degree of fear at all, and if I had been supported, I would have put them down,

I wish to know if you are speaking from speculation or experience? I have no more experience than you or any other gentleman.

I have none at all thank God! I wish *I* had not.

When did you come on duty? On Saturday night I went in about eight o'clock.

Had you acted as constable during any part of that day? No, I was not called on.

You are not a chief constable? No, I am a constable.

Were you one of the common constables? I was sworn in as special constable.

Lord TENTERDEN.—On the December previous?

Mr. CAMPBELL.—Did you hear Mr. Pinney address the mob from before the Mansion-house, on the Saturday evening? I heard him read the Riot Act, on Saturday night.

How long had you been there before that? Two or three hours, but I had not my watch.

You were not there at the time the Riot Act was first read? No.

At the second time Mr. Pinney came out, and stood exposed to the mob as much as ten minutes? Yes, he stood at the door.

Is he not a little man? Yes, he is.

And a little deformed in his person? Yes.

Did you see any stones thrown at that time? Yes.

He continued reading the Riot Act? He did.

When the constables were marshalled you took the command of 25? Yes.

By the command of the Mayor? Yes.

What directions did he give you? He asked me if I would take the command of them; Major Mackworth formed them into companies, and I was to be stationed at the corner of the Mansion-house.

What orders did you receive? To quell the mob, if possible.

Could more have been done at that time than Mr. Pinney did? If the soldiers had got orders to fire upon them, and had wounded a few, they would have soon been dispersed.

Your opinion was, that the soldiers ought to have fired? Certainly.

Do you think, without the act of interference of the military, it was possible to suppress the Riot? At that time I do not think it was.

Do you know what passed between Colonel Brereton and the Magistrates? No, I do not; I only saw them rush out of the Hall to the troops.

Were you at the Council-house on Sunday? I was not out of my own house till five or six on the Sunday morning.

You do not know how Mr. Pinney was employed? I do not.

Had you not been called upon to go to Guildhall, on the Sunday morning? I received no message, from first to last,—it was a voluntary attendance.

Had you not heard of the summons? No, I had a very severe head-ache, from the blow I received.

Re-examined by Mr. SHEPHERD.

Could more have been done by the constables, if the Magistrates had gone out with them? Most certainly; the constables would have been under subjection.

SAMUEL SELF called.

Mr. Justice JAMES PARK.—Is his evidence likely to be long?

Mr. WIGHTMAN.—Not very long; it will take half an hour perhaps.

Lord TENTERDEN.—We had better adjourn now.

Mr. ATTORNEY-GENERAL.—Till ten to-morrow?

Lord TENTERDEN.—Yes, ten o'clock.

Mr. ATTORNEY-GENERAL.—With respect to the jury, I take for granted there will be no objection that the jury should retire to any place most convenient to themselves; there is no wish to keep them together.

Sir JAMES SCARLETT.—I have no objection to it; gentlemen of their respectability will avoid all intercourse with other people, without any warning upon that subject.

A JURYMAN.—At what hour shall we attend?

Mr. DEALTRY.—At ten o'clock.

SECOND DAY.—FRIDAY, OCTOBER 26.

The Jury were called over, and were all present.

Mr. SAMUEL SELFE made his solemn affirmation.—Examined by Mr. WIGHTMAN.

Do you carry on the business of an ironmonger, at 11, Union-street, Bristol? I do.

Were you in Queen-square on the evening of Saturday, the 29th of October, when the soldiers first arrived? I was.

Did you hear the Riot Act read by the Mayor? I did.

Lord TENTERDEN.—At what time was that? I think it was somewhere about seven, or between seven and eight.

Mr. WIGHTMAN.—How long did you stay in Queen-square, after the Riot Act had been read by the Mayor? I remained, at that time, about an hour.

During that time was there rioting going on in the square? Not after the Riot Act was read.

Was there any assemblage of persons in the square? Yes, a great crowd.

Was Colonel Brereton with the soldiers in the square, at the time you were there? He arrived just before the Riot Act was read.

He was there while you were there? He was so.

Did you see any Magistrate with Colonel Brereton at that time, after the Riot Act was read? Not after.

Did you hear Colonel Brereton address the people? I did.

Once, or more than once? More than once.

Did you hear the Mayor, or any other of the Magistrates address the people, after the Riot Act was read? I did not.

You stated that you remained about an hour after the Riot Act had been read; did you then leave the square? Yes, I did.

Did you return to it again? I returned to it in about a quarter of an hour or twenty minutes; it might be half an hour, I cannot speak positively.

How long did you stay in the square, when you came the second time? I remained till about a quarter to ten, I think, or it might be after ten.

Lord TENTERDEN. Till about ten? Yes, till about ten.

Mr. WIGHTMAN. Was there an assemblage of persons in the square, when you came the second time? When I went there, there was.

Were the soldiers still there? They were.

Lord TENTERDEN. The dragoons, I suppose?

Mr. WIGHTMAN. What soldiers were they, were they the men in red, or the men in blue? I did not notice, particularly, but I know the red were there first.

When you were there the second time, which soldiers were there, the men in red or the men in blue, or both? I believe the men in red.

Those are the dragoon guards, my lord. During the time you were in the square the second time, did you see the Mayor, or any other Magistrate, outside the Mansion-house? I did not, on the outside.

At ten o'clock, I think you say, you left the square, and went home? Yes, I did.

The next day, Sunday, did you, in consequence of something you heard, go to the Bridewell? I did.

At what o'clock? About three.

Was it on fire at that time, when you arrived? I saw smoke issuing; I was told it was from beds which were burning; I saw smoke issuing from the eastern part of the building.

Did the smoke issue from that part of Bridewell which is the Keeper's House, or from the Prison? From the Gaol itself, the Prison.

The Keeper's House, I believe, is on the one side of the passage, and the Gaol on the other? Yes, it is.

At the time you arrived there, were the gates that enclosed the passage in which the Bridewell stands at night, open or shut? They were open.

Did they appear to you to have been broken open? They did not; I noticed no marks of violence, I think.

Was there an assemblage of persons at the Bridewell when you got there; Yes, there were.

In any great number? Not very numerous; the passage is very close, and they were dense between the two buildings.

By close you mean narrow? Yes.

Do you mean, when you say between the two buildings, between the Governor's house and the Bridewell? Yes.

Did you see any of these persons using any violence? I did not, but I heard noises inside.

Where did you hear these noises? Within the Gaol or the Gaol yard in that side; I never was inside.

What sort of noises were those you heard? A violent hammering, and the voices of the persons inside; exclamations.

Was there any shouting? I should not call those shouts which I heard; there were no shouts; I mean not simultaneous ones of a crowd.

How long did you stay at the Bridewell? Not many minutes.

During the time you were there, did you see any Magistrate there? None.

Did you see any constables or other peace officers there? There were none.

Did you see any display of civil force at all there? Not at all.

In your judgment, might the mob you saw there have been quelled by a civil force? Very readily, very easily.

What number of constables, in your judgment, might have quelled that mob, supposing them to have done their duty? I think that a dozen at each end might have taken the whole prisoners and prevented any egress; they were women and children a large portion of those who were within the passage,

Might the gates at each end of the Bridewell passage have been shut? I have no doubt of it.

Would the shutting of both the gates have enclosed the mob within the Bridewell passage?

Lord Tenterden.—If people are in the passage, and you shut the gates at each end, they must be enclosed? The gaol consists of two buildings with a narrow passage between the two, and there are gates enclosing it at each end.

Mr. Wightman.—You say you staid but a short time at the Bridewell; where did you go next? To the gaol, the city gaol.

At what time did you arrive at the city gaol? About ten minutes or a quarter after that, about a quarter after three, I am not positive to a quarter of an hour,

Was the gaol on fire at that time? It was so.

Was there a great crowd of persons there? Yes, there was a large crowd.

Does the gaol stand on an island; It does.

Will you look at that map (a map being handed to the witness) I will hand your Lordships a plan (plans were handed to the Court and to the Jury. (To the witness.)—Do you see the gaol marked in that at the right hand corner? Yes, I do.

Is it situate at the extremity of an island formed by the New Cut on the one side, and the floating harbour on the other? Yes, it is,

Is that the New Cut through which all the ships pass? Through the floating harbour the large ships pass.

What pass through the New Cut? The smaller ships.

Is there any mode of access to that island except over swing bridges, three swing bridges I believe? Only over those bridges.

They are swing bridges? Yes, they are.

And the dock gates, I believe, are at the left hand corner,—you will see them up towards the top? Yes, they are.

To them also there is a swing? Yes, there is.

Might those swing bridges have been turned, so as to prevent any persons who were on the island getting away, or any other persons getting upon the island? They could readily.

There are some ship yards near the gaol? Not very near.

On the island? Yes, there are.

To whom do those ship yards belong,—do you know? I do not know, I am not quite certain.

How long did you stay at the gaol? I remained there till nearly six o'clock, not quite.

Did you see any violence committed there to the gaol? I did.

What description of violence? It was taking off the beds and the cooking utensils, and a variety of things.

Plundering, in short? Pilfering.

What proportion of the persons there assembled do you think were engaged in thus plundering? In the plundering I should think not above 150 or 200, but a great many of those were women and boys: many I saw go away with beds under their arms.

What were the other people, who were assembled there, about? They were spectators.

What, in your judgment, might be the number of the spectators? They amounted to several thousands on the island I am speaking of; there were many thousands on the opposite side of the river as well; I should think there were upwards of 2000 there.

You say you remained there till six o'clock? Yes, I did.

Did you see any magistrate there? None.

Did you see any resistance offered to the rioters or mob? Not the least.

Did you see any civil force there, or any means used? I did not, except that a persuasion was used to them.

You say persuasion was used by some persons; were those persons Magistrates? They were not.

While you were at the Gaol, did you hear any cry raised of going to the dock-gates and the toll-gates? I did.

At what time was that? That must have been between four and five.

What was the cry-- just state it? "The dock-gates," "the toll-gates;" "to go and destroy the dock-gates"---"the toll-gates" were only a partial cry; there were only a few that I heard cry that.

Did you see any of the mob go off towards the dock-gates? They did go towards them.

You saw them go towards the dock-gates? Yes, they went towards the extremity of the wall; they then said, "let us wait for the others," and the others did not come.

For what others? For the others, their companions, as I understood.

Lord Tenterden.---They waited, but none came? Yes.

Mr. Wightman.---I believe you did not go to the dock-gates? I did not.

You have stated that you stopped at the Gaol till between five and six o'clock, where did you go to then? I went home: I went to the toll-gates first, in my way home.

Were those the toll-gates on Prince's-street bridge? They were so; they were on that side of the bridge within the island.

You would be there in a very short time after you left the Gaol? Yes, within three or four minutes.

Did you see any thing done to the toll-gates? I saw a man tearing down the shutter of the right hand toll-gate coming from the Gaol.

How many men were employed? Only one man was employed in tearing down the shutter, and when that was done, I saw another and a boy on the inside,

Did you see the man and boy do any thing inside? The man on the inside broke the window out.

Tell us what happened to the toll gate, to the toll-house. The man and boy piled up pieces of wood against the toll-house, and ignited them, and put them into the cupboard.

Lord TENTERDEN.---They set fire to it? Yes, they did.

This was a small building for the keeper of the gate, I suppose? Yes, it is the toll-house.

Mr. WIGHTMAN.---Did you see the gates carried away? There was one gate; I saw that carried away.

Who carried it away? Six or eight men, on their shoulders.

About how many persons were at the toll-gates, or about them, when you were there? There were very few indeed, perhaps under a hundred on the bridge, and within fifty or sixty yards; it obstructed the view of the fire, and they were gone further off. I do not think there were 100.

Were all those engaged in that destruction, or only some of them? There were only those three individuals, for I watched them very particularly.

Did you see any Magistrates or constables at the toll-gates while you were there? There were not: I do not know whether there might be constables there, but there were none officiating as such.

In your judgment might the rioters you saw there have been quelled by a civil force? Certainly.

How long did you stay there? I suppose about a quarter of an hour or twenty minutes.

Did your road home from the toll-gate lead you through Wine-street? It did.

Is that near the Council-house and the Guildhall? It is not a furlong distant from the Guildhall, and nearer the Council-house, not above half a furlong, I should say, the end where I saw them; the other end is close to the Council-house.

When you got into Wine-street, did you meet any mob of persons? I did.

What character and description of persons in appearance? They were the lower grades in society, some dressed in smock frocks, fustian coats, and ragged attire generally—mean attire.

Of about how many do you think that mob might consist? Perhaps 80 or 100, or perhaps a few more.

Did you hear them say any thing, or raise any cry? "Now for Lawford's gate prison," and other things intimating the same thing, that they were going to liberate the prisoners there.

Lord TENTERDEN.---That is the prison of the county.

Mr. WIGHTMAN.---Yes, my Lord, it is. How far is Lawford's Gate from Wine-street? I think that it is full a quarter of a mile.

Sir JAMES SCARLETT.---Is it not a mile? I cannot say; it is three long streets.

Mr. WIGHTMAN.---Was Lawford's Gate afterwards burnt that night? It was so; I saw it burning.

Sir JAMES SCARLETT.---You mean Lawford's gaol, I suppose?

Mr. ATTORNEY GENERAL.---Lawford's Gate prison?

Mr. WIGHTMAN.---Lawford's Gate is a prison so called? Yes, it is the prison for the county of Gloucester.

Did you yourself go to Lawford's Gate? I did.

About what time did you go to Lawford's Gate? About eight o'clock.

You had been home in the interval, I believe. I had been home, and come out again.

Was it on fire when you got there? It was so.

Did you go into Queen's-square after this? Yes, I did.

At what time? Some where about ten, whether before or after, I do not know; near about ten.

Was there a great crowd of persons then in the square? There was.

Were there any soldiers there? None.

Were there any Magistrates there? I saw none.

Did you see any constable there? I did not.

Was the Mansion-house on fire when you got there? It was.

How long did you stay in the square that night? I was there the whole night, deducting about an hour and a half.

Was there any other house on fire at the time you went to the square, but the Mansion-house? There was not.

How many houses were burnt while you were there in the whole? They burnt down the whole of the square, I think I counted upwards of thirty houses that I could see burning at one time.

Were those houses set fire to in succession, or all together about the same time? In succession.

How long did it take from the time you first arrived at the square till the Mansion-house was set fire to, do you think? It wanted exactly ten minutes of six when the soldiers arrived; there was no more firing after that time.

Had the firing continued down to time? It had.

How many persons did you see at the time actually engaged in this firing according to the best of your judgment? Engaged in the affray I should think from 100 to 150 was the utmost of the number that were carrying away goods from houses; perhaps they were replaced by others; they carried them great distances I know.

But at a time you never saw more than 100 or 150 engaged in pilfering? No.

According to the best of your judgment, did those persons appear to you to be acting in a body or each for himself? The rioters were not,—they were acting each on his own account; I made particular observation at the time; I was so confident of it, that I went up to one of them; a gentleman said, "that is my property," and I went up and collared him; I knew there was no apprehension.

You collard the man? Yes, and insisted on having the box; he refused, and I tore it from him; but being of little value, I permitted him to take it away.

Were you prevented by any of the others in doing this? I was not.

Did you take anything else from any other perton? Yes, I did, from another young man two rugs, which I conceived belonged to the same person; I found the right owner afterwards and gave them to him.

Was that young man in the square? Yes, he was, in the road near the houses, where the rioters were passing backwards and forwards—the robbers rather.

Did any of them see what you were doing, that you were taking this from this young man? Yes, three or four came close,—there were others passing who might have seen it, and I have no doubt they did.

Did they offer you any molestation? They did not; I talked to the boy for some time in their presence, and told him he would come to the gallows.

You have said, that about 100 or 150 persons were engaged at the time in plundering; how many persons in your opinion were engaged in breaking open the houses and firing them? I should say under twenty.

During the whole time you were there, did you see any resistance offered to the mob? I did not.

Did you see any soldiers there during the time? None till ten minutes before six in the morning,—I looked at my watch when they came.

Did you see any magistrate there during the whole night? None.

Did you see any constables there acting as such? No.

Cross-examined by Sir JAMES SCARLETT.

You have a house in Bristol I think you say? I reside there.

In Wine-street? In Union-street.

Did you receive any notice of the Magistrates to assemble at the Guildhall? I did not, and I heard of none.

You never heard of it? I never heard of it till after the meeting.

You never heard of the notice? No, I did not.

Did you know of any persons going there? I did not.

You are, I think, a Quaker, are you not? I am a member of the society.

Were you at any meeting that day? I was, in the forenoon.

If you please, we will just go back to the Bridewell; how long in the whole did you stay near the Bridewell? A very short space of time indeed; only just passing through; the crowd was so dirty and filthy I hurried through. I might have staid on the one side and the other five minutes or more.

The account you have been giving of the Bridewell was from an inspection of what passed in five minutes in the whole? I know the Bridewell well.

But the account you gave of what passed there was only for that period, how near were you to the gates which you suppose to have been closed? I passed through them,—it is the regular avenue through the day.

Did you take notice whether the gates were on their hinges; will you venture to affirm that the gates were on their hinges at the time you passed through them? I can affirm so, unless there was anything like a miracle.

Can you be certain upon the subject? Yes, I can.

Did you see the gates at any time afterwards? I have seen them repeatedly since.

In the same place? Yes.

At the time that you passed through were there a number of persons in the Bridewell, do you know? I know that there were persons, but as to the number inside, I do not know.

Persons appeared to have possession of it? Yes, they had.

How long they had been there, of course you cannot tell? No, I cannot of course.

Were there any number of persons about? Yes, there were.

How many do you think? Do you mean within the gates?

Not within the gates, but persons assembled, such as you would call a crowd; was there anything to be called a crowd? Yes, perhaps, two or three hundred.

What were they doing? A great many of them were merely passing through the avenue, but a great many were going into the prison itself; it is a narrow doorway.

Were there any persons collected at each door way or at either of the extremities of the passage? No, there was not, the only stationary part was within the gates, the only obstruction to passing onwards.

You saw a number of persons going into the Gaol? I did.

Did you go in? I did not; I mean into the Bridewell.

Could you judge, from their manner, whether they were going in to dislodge the persons who had possession, or to join them. I should conceive, from their appearance, they were going to see what they could get, but I do not know what their motives were.

You went from the Bridewell to the Gaol; did you go into the Gaol? Yes.

Which way did you approach to the Gaol? I went over Prince's-street bridge.

You then got into the street? Yes, I did.

How long, in the whole, did you remain there? There and round about the toll-gates I remained till six o'clock. I remained about three hours in that part.

With respect to the Bridewell, I understand you did not get there till after it was broken open? I did not.

Then I will not ask you any questions about that; you were near the Gaol three hours? Yes.

Lord TENTERDEN.—In the island? Yes, in the island.

Sir JAMES SCARLETT.—How many persons might be in the island? you said several thousands? I think there were more than two, and not three thousand.

How many round about, outside the island, standing? How many there was I cannot give any idea as to the number, but there was a very great many.

You must form some general idea as to numbers, whether five thousand? It is difficult to give an idea of the number; there might have been five thousand, or perhaps ten, off the island: they would extend along a greater line, and have a better view.

The persons actually engaged in the attack on the Gaol, as far as you saw, were very few? They were not numerous, but they were in the respective wards; I cannot say how many.

What do you mean by the respective wards? The different wards of the Gaol.

I wish to know, on your representation, how it happened that, there being two or three thousand persons in the island, and five or ten thousand looking on, who had come there, so small a number were allowed to do what they did? Because there was no person to organize those who were willing to have defended the place.

Supposing that you were walking past a house, or a gaol, and saw a handfull of persons ready to set it on fire, forty or fifty persons might have prevented that, could not they? Yes, if there is any one over the forty or fifty persons.

Did you ask any persons to assist you? I did not.

Did you hear any persons ask others to assist? I did not.

Did you hear any shout? Yes, I did.

What shouts? Not great shouts.

What sort of shouts? "To the dock-gates," which I repeated just now.

When the persons were in possession of the Gaol, were those two or three thousand persons outside? There was no shouting in the Gaol: I heard a hammering in the Gaol: they were bringing porter and wine from the Governor's house, and some of them quarrelling about it.

Of those two or three thousand on the island, there were a great many men like yourself? Yes.

Probably the majority were men? I should think they were.

You did not observe among them the least disposition to go in, and prevent the Gaol being sacked and burnt? They did not do it: they might have a disposition to it.

They might have certainly, but they did not evince it: should you think, from your general observation of what passed in Bristol, or do you believe there was a disposition to assist the magistrates among the householders? I can say positively that there was, after the private property was attacked in Queen-square.

Sir J. SCARLETT.—You are quite right; I quite agree with you. WITNESS.—I do not say there was not before, but it was quite manifest then.

Before the private property in Queen-square was attacked, there was no disposition manifested to assist the Magistrates, but after it was attacked there was? Not to assist them, for they were not there to be assisted.

But to assist in repelling the violence: do not you judge too much of the Magistrates,—you do not know where they were exactly? I do not; I only speak to facts.

Are you a member of the Political Union? I am not.

Do not remind me that you have said you saw no Magistrate; it does not follow that the Magistrate,—was not there, because you had not seen him, therefore do not be too hasty on that subject? I am not biassed by any political motive at all.

I am very glad to hear that; then I ask you, as an honest man, before the private property in Queen-square was attacked, was there any disposition manifested by any persons to assist the Magistrates to suppress the mob? There was; there was Mr. Herapath, whom I saw, and others outside the Gaol, doing their utmost to persuade them to cease from violence.

By speaking to them? Yes.

Was any force used? No, no force.

Mr. Herapath is at the head of the Political Union, is he not? Yes, he is.

Do you know many members of the Union---are you acquainted with them? I am not; I am acquainted with not one.

As I understand they cannot be found,---not even with Mr. Ven, the secretary? I am not; I do not speak to him if I meet him.

Do not suppose I mean any thing uncivil towards you? I know Mr. Herapath very well, but I am not on terms with him.

I do not question Mr. Herapath's respectability: you said you had heard him and some of the members of the Political Union?—No, I did not say some of the members of the Political Union.

I beg your pardon; how many did you say you heard by their eloquence endeavoring to suppress the mob? Three or four.

Mr. Attorney-General.---He has not said that; do not put words into his mouth.

Sir James Scarlett.---Besides that did you see any disposition manifested, by any of the inhabitants of Bristol, to assist the Magistrates to put down the violence? I saw no attempt of the kind; no attempt, by physical force, to put a stop to it.

Now, I put the question to you upon your solemn affirmation---I think you affirmed? Yes.

Upon your solemn affirmation, did you not hear, before the private property was attacked, expressions of satisfaction from the crowd? I did, while the Mansion-house was burning; I heard cheers in various parts of the crowd while a portion of the buildings were falling in.

That was about ten o'clock at night, in Queen-square? Yes, some where about ten.

As you have come to that, I will go to it at once: at various parts of the Mansion-house, while in flames, you heard cheers from various parts of the crowd? Yes, I did.

What number might the crowd be: how many were assembled there? It was a very dense crowd, filling a considerable portion of the square.

Were there not many thousands? Yes; I do not mean to say that the majority shouted, but more generally.

More generally than after the private property was attacked? Yes, there were none after that.

You say you went to the Gaol gate, and then went home? Yes.

Then you met with 100 or 120 ragged persons, of the lower grade, who cried out "to Lawford's Gate?" Yes.

You went to Lawford's Gate yourself? I did not then.

You went in the course of the evening? Yes.

Did you see many persons assembled there? Yes.

About how many? I should think about three thousand.

Was that prison burnt? It was.

Did the three thousand look on while it was burning? They were mere lookers on, as they stood; they could not take an active part in it without going in.

They were looking on? Yes.

Did any of them attempt to go in: was it on fire when first you went? Yes, but there were still individuals in the court-yard.

With respect to the Gaol itself, I beg his Lordship's pardon for taking you back again; you saw no troops at all? I saw none: I heard there had been some.

After Lawford's-gate was disposed of, you went home again? I did not.

You went from thence to Queen-square? I called at a friend's, and supped, and went to Queen-square.

There you arrived at ten o'clock? I did.

There you saw neither magistrate, nor constable, nor soldier? I did not.

You remained there till six in the morning? I remained till after that; I remained till near eight.

You formed one of the great crowd you speak of? I did.

When you heard persons shouting, and expressing cheers of approbation at the Mansion-house falling in, did you endeavour to make your way to any of them, to discover who they were? I did not.

You cannot give us the name of any one? No, I cannot; I had not been in Bristol any great length of time, and they were nearly all strange to me.

The Custom-house followed the Mansion-house, did not it? Not immediately; it came in course; it followed certainly.

Did you hear any disapprobation, or shouts of approbation, when the Custom-house was falling in? No, there were no shouts.

Recollect yourself. No, there were none.

Nor when the Excise-Office was burning? No.

Only when the Mansion-house was burning? No, only when the Mansion-house was burning: there was something like an expression when the next house went,—the next to the Mansion-house: I was surprised at seeing them dashing the windows out: I cannot say by what means they got in. I asked whose it was, and two or three said it was Corporation property.

You have lived long enough in Bristol to know, that there is a very strong party against the Corporation? Against them! I am aware that they are disliked.

There is a very strong party—do not change the word—is not there a very strong party against the Corporation? I do not know what you mean by party.

I cannot make it plainer; I ask again, is there not a very strong party against the Corporation? I do not know that there is any connected party against them; I suppose they are disliked, that is, their government, by a large portion of the inhabitants of Bristol.

Very much disliked? I do not know the degree of dislike.

In what party do you range yourself? I do not range myself in any.

Then you are indifferent? I do not conceive that I am indifferent at all.

If you are not indifferent, what is your party? I entertain my own opinions, without joining any party.

I do not mean to blame you for any part you have taken: did you hear when Miss Vigor's house was burnt, "Oh! it is only Corporation property?" I heard several voices cry that.

How long have you lived in Bristol? It is about three years since I I have been in Bristol, but my father resided there before: I spent my infancy there.

You remained there during the whole night: did this crowd continue, more or less, during the night? It decreased towards the morning: it decreased gradually during the whole night: it lessened.

Towards the morning, you say, some soldiers came; who came with the soldiers? I do not know: I did not know him.

Did you know Major Mackworth? I did not.

Did you know Colonel Brereton by sight? I did know him.

Did he come? I did not see him that morning.

The crowd was then, you say, a good deal diminished? It was.

When did you go away? I think it was rather before eight,—it might be as early as half-past seven.

Was there any other party of military came whilst you were there? I merely saw one party, but they divided; there might be fresh ones come in; they went out of the square and in again.

You saw only one at least? No.

There might be others come in afterwards but you did not see them? No, I did not know that they were fresh soldiers.

They were red coats, were not they? No, they were blue, I think.

Recollect yourself, whether they were not red? I am not quite certain, but I think they were blue.

Just recollect yourself,—were not there red came first in the morning and blue afterwards? I cannot say indeed, I know there were blue in the morning because I saw several of them drinking with the crowd.

In the morning? Yes.

Re-examined by Mr. Attorney-General.

Though there might might be a strong party against the Corporation, is there no party in their favor? Yes, there is.

Does that consist of a considerable portion of the respectable tradesmen and merchants? It does.

I think you said that, with the exception of Mr. Herapath, you saw no disposition made to preserve the public peace till a late period? Mr. Herapath and one or two others.

Do you know of any attempt being made by the Magistrates to ascertain that disposition? I know of none.

At what period was Miss Vigor's house sacked? I think it must have been about eleven or half-past.

Did the work of plunder and destruction go on from that time till six in the morning? It did.

JAMES TOWNSEND, sworn.—Examined by Mr. Attorney-General

Are you a gardener in the town of Bristol? I am.

Were you employed as occasional servant to Mr. Sheriff Lax in his year of Office? I was.

There are two Sheriffs,—Mr. Bengough and Mr. Lax were the two Sheriffs? Yes, Mr. Lax was my master.

Mr. Bengough was the senior Sheriff? Yes, he was.

Mr. Hare was Under-Sheriff? Yes, he was.

When the Sheriffs went out to meet the Recorder, did you go behind Mr. Sheriff Lax's carriage? I did.

Did not the Recorder come in Mr. Bengough's carriage from the place where they met him? He did.

Did you perceive the mob treat the Recorder with great indignity? I did.

Following him from place to place, and occasionally throwing things, I believe, at the carriage? They did.

Did that tumult continue after they got to the Mansion-house? It did.

Did you see any attempt made to repress it? I did.

By what persons? By the civil force.

Do you mean the special constables? I do.

Did they act under any particular orders or in any arranged order? I believe they acted under the orders of the Magistrates.

Any particular orders at the time? Mr. Alderman Abraham Hillhouse gave the orders in my hearing.

What were their orders? To endeavour to take the rioters who heaved the stones into the windows.

In what manner did the constables appear to you to act against the mob? They went out in posses ten or a dozen, or possibly it may be double that number; I believe it was on several occasions,—they generally *captivated* one or two prisoners.

Did they appear to you to act with moderation? Some part of the time after I arrived at the Mansion-house they did.

Did you at any time interfere with the conduct of the constables? I did.

Was that more than once? I believe it was.

What led you to interfere? The impression on my mind was that they treated the prisoners after they had taken them with great severity.

In what way? In striking them after they had them in the hall.

Did you go from the Mansion-house to take off your livery? I did.

About what time did you go? I believe it was about a quarter or twenty minutes after four o'clock.

Were the mob then in possession of the Mansion-house? They were not.

Did you return in plain clothes some time afterwards? I returned in part in plain clothes, I had changed my coat and waiscoat and hat.

About what time did you return? I believe I returned soon after five, it may have been half-past five, I am not quite certain of the time.

Who was in possession of the Mansion-house then? The interior part was in the possession of the Magistrates and their constables.

How was the hall? They had just commenced, I believe, pulling up the iron paling, the pallisadoes, when I returned, and making use of them in breaking in the windows.

The mob were violently assaulting the outside of the Mansion-house? Yes.

Were you able to get access? Not for a considerable time.

You received a blow in endeavouring to get in, I believe? I did.

Were you stunned? I was.

After you came to yourself did you come into the hall or any part of the house? I got in with Colonel Brereton.

He gave you some assistance? He took me by the hand.

What was the state of the hall at the time? It was in darkness.

Were any persons in it? It was at the side door that the Colonel found me and led me in.

Was it full of persons or not? I do not remember seeing the persons.

You do not remember seeing whether there were persons in the hall or not? It was very dark.

You got in at the side door in Charlotte-street? It was at the side door, I am not certain whether it was in Charlotte-street.

It was not in Queen-square? No.

In what state did you find the hall? It was in darkness; the Colonel had me by my arm, and asked me whether I could tell where the Magistrates were.

Did you go to seek the Magistrates? I did.

In what manner did you proceed? The Colonel and I walked up the stairs to the drawing-room where I had left the Magistrates when I left the Mansion-house.

When you got there did you find any Magistrates? I did not.

What did you do upon that? I called out as loud as I could call by the Magistrates' names—the different names,—Mr. Alderman Hilhouse and Mr. —— Hilhouse, my old master, and Mr. Sheriff Lax.

Did you call out loud? Yes, I called out as loud as I could, that the soldiers were come or the military were come, and there was no reason to fear, or something of that sort.

Did you call repeatedly? I did.

Did any of them answer to your call? They did not,—I opened the door.

What door, on the same floor? The bed-room in which Sir Charles Wetherell had slept on former occasions on entering the city.

That which you knew to be the Recorder's bed-room? Yes.

Was that on the same floor with the drawing-room? Yes.

Did you find any body there? I believe it was Mr. Sheriff Bengough I found.

Where was he? He came from behind the state bed.

Did you see the Mayor or any of the Magistrates in that room? I do not remember seeing any but Mr. Sheriff Bengough.

Did you go to any other bed-room? I did.

Was the second bed-room you went to on the same floor or up stairs? It was higher up.

Up another flight of stairs? It was.

Did you find any persons there? I found, I believe, several of the Aldermen there.

Did you go into any third bed-room? I did.

Did you find any persons there? I believe there were two or three came out from that room.

Did you go into any fourth bed-room? I believe I went into almost all the bed-rooms in search of my master; I had not seen him,—Mr. Sheriff Lax.

Did you afterwards go down to the drawing-room? I did.

Were the Magistrates at that time there? They was.

Was the Mayor there? I am not positive whether the Mayor was there or not.

Did you leave that drawing-room after you found the Magistrates there? I saw my own master there.

Did he give you any orders? He desired me to keep near to him to bring him information how things were going on below.

In consequence of that, did you go into the square and bring information to him from time to time? I did.

At any time when you returned to the drawing-room did you see Colonel Brereton there? I did frequently.

Did you hear any orders given to Colonel Brereton? I did.

What were those orders? I heard the orders given to him to clear the streets and send the people to their houses.

Do you remember what Colonel Brereton said to that? I remember his saying that the people was getting peaceable, and he thought in a short time they would disperse.

After that did you hear any question put to him why the order was not obeyed? Several times the Colonel went down,—at various times indeed he went down to the mob,—I frequently went down with him from the Magistrates, and I returned and told Mr. Sheriff Lax the state of the mob.

Did you hear any complaint made to Colonel Brereton of those orders not being obeyed? I did, during the fore part of the night.

Was the Mayor present when the complaint was made? He was within a short distance when I heard the complaint made,—he was on the landing place just outside the drawing-room door.

Do you remember anything that Colonel Brereton said in answer to those complaints? I do.

What did he say? I am not positive, I believe it was Mr. Alderman William Fripp asked the Colonel if he had any other orders than theirs to act on.

What answer did he make to that? That he waited for their orders,—that he had no others.

He said so, did he? He did.

Did any of the Magistrates say more upon that? I believe there were three of the Magistrates then present leaning over the banisters in this way, and they observed, one or two of them, that their orders had been given to him, which they had in my hearing, to clear the streets and send the people to their homes.

Was anything else said at the time? Not in my hearing,—I believe I went down stairs.

Did you hear in the course of the evening a report that a man had been shot? I did.

Can you tell at what time that was? I think it must have been late, nearly twelve,—possibly it may have been more than twelve.

Lord TENTERDEN.—About midnight? I think it was, my Lord,

Mr. ATTORNEY-GENERAL.—Upon that report did you observe any difference in the state of the mob? The mob was very riotous.

Were they more riotous at that period? They returned soon afterwards.

Had they in some degree left the place? They had on several occasions.

About that time they increased in numbers and in violence? They did.

What were the mob doing at that time? I believe that was the time when the avenue leading to the Welch Back was blocked up by the mob.

That is a wharf where the Welch vessels are, we understand? Yes, I believe it is.

Did you report, in the drawing-room, that the mob appeared to be getting more violent? I did, on several occasions.

Did you on that occasion? I did.

Were the Magistrates then present? They was.

Was the Mayor present? He was.

Did the same degree of violence continue after that or not? Not long.

Did Mr. Sheriff Lax remain at the Mansion-house during the night? He did.

Did you go to inform his family of his safety? In the morning.

Where did you spend the night? After the Sheriff went to bed, I lay down on a bed myself.

In the Mansion-house? Yes, I believe he retired about half past two or three.

At what time did you leave the Mansion-house? I left the Mansion-house, as nearly as I can remember, about seven.

Mr. Sheriff Lax's house is in Park-street, we understand? It is.

You go over a draw-bridge from Queen-square to Park-street? Yes.

Did you then return to the Mansion-house? I did.

At what time did you go back to the Mansion-house? I think I returned about half past eight: it may have been before that time; I rather think it must have been before that time.

Were the mob then conducting themselves with violence? When I returned they was very much so.

What happened to you? I made an attempt to go in at the front door of the Mansion-house, and I could not get in.

Where did you go? Several stones were thrown, and I got from the front door, and ran round by the Custom-house, and I ran into a public-house called the Hole in the Wall.

Did you get any dress there? I did.

A sailor's dress? I got a blue jacket, a straw hat, and white trowsers.

Did you go to any place in King-street after that? To Little King-street, at the back of the Mansion-house.

You did, in fact, go there? I did not immediately.

Did any thing further occur? A rope was thrown from the window, by some individual in a smock frock, by which I ascended into, I believe, a corn-loft.

Did that place, whatever it was, communicate with the leads? It did.

Did you get out upon the leads? I did.

Did you see the leads of the Mansion-house? It was on the leads of the Mansion-house.

When you got on the leads of the Mansion-house, did you see any person there? I did.

Whom did you see? The Mayor, Mr. Pinney; he was not on the leads,—he was below.

Was he in the room? No, in what is called the larder, on the ground ffoor.

Can you look into the larder? From the leads lower than that is the ground-floor and the servants'-hall—it is joining.

Lord TENTERDEN.—It appears to be an outbuilding.

Mr. ATTORNEY-GENERAL.—The leads were over the outbuilding? Then you come to the drawing-room, and go out; then you go down from the drawing-room, by a staircase window, and on those leads.

The leads are not at the top of the house? No.

This was the larder? Yes, it is the men's water closet as well, but they hang up their meat there.

Was the Mayor by himself there? He was not.

Who was with him there? Three or four of the female servants.

Were they doing any thing? They were making great efforts which should get up first.

Who were making those efforts? The female servants and his Worship. (*Laughter among the auditors in Court.*)

Lord TENTERDEN.—It is great folly for people to be laughing.

Mr. ATTORNEY-GENERAL.—Did any one say any thing to you? His Worship.

What did he say? For God's sake, young man, assist me up here.

Did you give any assistance? I laid down flat on the leads, and bent over; the female servants, with myself, assisted his Worship.

How do you mean that they assisted his Worship? They assisted him behind. (*Laughter among the auditors in Court.*)

You assisted the Mayor up? Yes.

Lord TENTERDEN.—I wish those who cannot behave decently would leave the Court: it is very disgraceful for people to conduct themselves in this way; if any person is brought to me, I will commit him.

Mr. ATTORNEY-GENERAL.—The Mayor came to you on the leads? Yes he did.

Did any thing pass? Yes, he asked me which way he could go, and I directed him over the wall.

Lord TENTERDEN.—So he got away? Yes, he did.

Mr. ATTORNEY-GENERAL.—Did you afterwards go to save some of Mr. Sheriff Lax's property at the Mansion-house? Yes, after his Worship had got on the wall, I heard my master's voice from the window.

Did you go to save some property of his? I instantly jumped down, and made my way; I attempted to go up the back staircase in the Mansion-house.

I do not want the particulars? I went up the back stairs to him; I first of all assisted him.

In what did you assist him? I went to him, and desired him to come down stairs, for he would be murdered if he remained there. I described the state of the people below, and he aked me whether I could help him ont of the window.

And you did assist him? I did.

Did you afterwards go to secure any of the Mayor's property? After I got Mr. Lax from the Mansion-house, and saw him secure in a fly, I went back and assisted.

You got away jewels and other things of value? I believe they were.

Any thing belonging to the servants? I did.

After that did you go to your master's house in Park-street? I did.

Did the Sheriff remain there that day? He remained there till the evening.

Then where did he go? I believe he left; he told me———

Sir JAMES SCARLETT.—There is no information against the Sheriff, or if there is, we are not trying that now.

Mr. Attorney-General.—I will not go into that: you were left in the care of the house? I was.

Did you see the Mayor again that evening? I did.

On Sunday evening? Not in the evening.

It might have been later? Yes.

You mean that it was at night? Yes.

Was he alone, or any body with him? A gentleman of the name of Daniel was with him.

Mr. Henry Daniel, the surgeon? Surgeon Daniel.

You have not told us where you saw him? At 52, Park-street.

At the Sheriff's house? Yes, they called there.

Did you open the door to them? I did.

Did the Mayor speak to you? I am not positive whether it was the Mayor spoke to me first, or Mr. Daniel

What did they say? They asked me if Mr. Lax was at home.

Was any thing said about the Mayor? Yes, I asked the Mayor if he knew me. Mr. Daniel and the Mayor spoke some few words quite to themselves, and from what I learned, I thought the Mayor was rather afraid to trust me where he was going.

You say you asked him whether he knew you; what did he say to that? I believe he said he did not.

Did you say any thing to him? Yes, I did. Mr. Surgeon Daniel said he knew me very well.

What did you say? I told him that he knew me certainly, as I had had the pleasure several times of waiting on him, and Mr. Daniel said he might depend on me not stating where the Mayor was going. I was not to tell any one where the Mayor was gone.

Was any thing said about what had happened in the morning? Yes, I asked his Worship whether he remembered———

Mr. Justice Littledale.—What was said, by Mr. Daniel, about you? I understood Surgeon Daniel said he might depend upon me.

Mr. Attorney-General.—Was the Mayor then present? Yes.

Did any body tell you where the Mayor was then going? They certainly did tell me where the Mayor was going,

Where did they say he was going? I am not positive, but I believe it was to Mr. Fripp's, in Berkeley-square.

Mr. Fripp's is Mr. Daniel Fripp, is not he? Yes.

He is a surgeon, is he not? No.

He lives in Berkeley-square? He does.

What was said, either by the Mayor or by Mr. Daniel in his hearing respecting his going to his house? Mr. Daniel I believe said, when he left the door, as I had the door in my hand, that I knew what he meant: my answer was that I did; I certainly would not betray his Worship.

That you knew what was the meaning of what? My not stating to any person who called where his Worship was.

Were you not to mention at all where he was? There was something said about my receiving the Corporate body of Bristol—the gentlemen connected with the Corporation, I do not exactly remember the words.

Was any reason given, why they told you where he was going? I do not remember that it was.

Did any persons come and inquire for the Mayor that night? There were various calls, enquiries for the Mayor before and after: I forgot to say, that I believe what I told the Mayor and Mr. Daniel, that several gentlemen had called to enquire for them.

Had called where? At Mr. Lax's.

The Rev. Dr. Carpenter, had he called? He had called before, and he called after.

A gentleman of the name of Kington, did he call? Yes.

Was that before or after? I believe it was after.

Were there several gentlemen that called? There were.

Did you tell any of them where the Mayor was? I do not believe that I told any one, except it was the Under Sheriff—Mr. Sheriff Hare; the impression upon my mind is, that I told Mr. Sheriff Hare.

Why did you not tell Dr. Carpenter and the other gentlemen?

Sir JAMES SCARLETT.—I object to that question; the reason why he did not tell him, is no evidence.

Lord TENTERDEN.—That cannot be evidence.

Cross-examined by Mr. CAMPBELL.

Are you still in the service of Mr. Sheriff Lax? I am not.

When did you cease to be in his service? The 26th of August in the present year.

When he dismissed you from his service? He did not dismiss me.

Did not he make a complaint against you of misconduct? Not at that time.

Was there no complaint made against you whatever? There was after; I dismissed myself.

You resigned? I did.

Anticipating that you were to be discharged? I did not anticipate.

Did you not know before you dismissed yourself? I did not.

When was the complaint made against you? After I dismissed myself.

How soon after? The next day.

Before you dismissed yourself from the service of Mr. Sheriff Lax, had not you said that you very much approved of the conduct of the Sheriff and of the Magistrates, during the riots? It is possible that I may have said so.

Upon your oath did you not say so, before you dismissed yourself from Mr. Sheriff Lax's service? I never can have said so of the Sheriff.

Of the Magistrates? The Magistrates—I may have said so.

Have you any doubt of it? I have no doubt of it.

And the Mayor, too? And the Mayor, too.

On the Saturday, did not the mob display very great violence? They did.

Were you in the Guildhall when the Charter was read? I was not in the Guildhall at all.

Did not the Mayor and all the Magistrates go with the Recorder to the Mansion-house? They did.

Did they not all remain in the Mansion-house till all appeared to be quiet, late on Saturday night, or rather on the Sunday morning? I am not positive they all remained; the chief of them I believe did.

Do you know of any single Magistrate having gone? I do not; they may have gone without my knowing it.

But you did not know of their having gone? I do not that I remember.

Were they not besieged in the Mansion-house by the mob? Early in the evening.

Did it not appear to you that they were in great danger of their lives? It certainly did.

Did you not see the mob, before the military came, repeatedly attempt to break into the Mansion-house? I did.

Did you see the wounded men brought into the Mansion-house? I did,

Did you see combustibles put into any part of the Mansion-house? I believe I saw the straw,—that may have been a combustible.

In your judgment how many persons were there in Queen-square at that time? A great number; I can form no idea.

Some thousands, perhaps? I do not know: it was dark.

In your judgment, before the military came, was it possible for the magistrates to have quelled that riot, without the assistance of the military? Not at that time; I believe not.

It was dark, you say; did not the mob cut off the gas-lights? No,—it was done, I am not positive when it was done.

Perhaps you think the constables had cut off the gas-lights? I beg your pardon.

Lord TENTERDEN.—He seems to me to have answered the question.

Mr. CAMPBELL.—He says the gas-lights were cut off? I am not positive that they were at that time.

It became dark, you say? It was; it was evening, and it was so dark that I could not calculate the number of people that were there.

About what time were the gas-lights put out? They may have been out then, but I do not recollect; they certainly were out afterwards.

Did not the Mayor and the Magistrates show the utmost anxiety to do every thing in their power to quell the riot at that time? At that time I was outside.

Did you hear Mr. Pinney address the mob, on reading the Riot Act? I did not.

You never heard him read the Riot Act? I may have heard it; I must have been in the interior part of the building when he read the Riot Act, but I did not hear it.

When the military came, in your judgment could the military have quelled the riot? Yes, I should say so certainly.

Did you not hear the Magistrates repeatedly give orders to Colonel Brereton to do what was necessary to clear the street? I heard the Magistrates give orders repeatedly to clear the streets, and send the people to their homes.

Was there any thing said about firing in your presence? There was not; I never heard any thing said about firing.

About firing if it were necessary? I do not remember hearing any thing about firing either way.

You say that you saw the dragoons brought in that were wounded? I assisted two of them.

Were not they bleeding? They were, one very much so indeed.

You say they belonged to the 14th and the 3rd dragoon guards? The 14th.

Did you hear the mob cheer the 3rd dragoon guards? I heard great cheering when the 3rd was parading the streets.

Did you see them shake hands with any of the mob? I saw the Colonel.

When the two dragoons were brought in bleeding, was not there a constable brought in at the same time and carried up insensible? I believe there was a person brought in.

About that time? It may have been, but I will not take upon me to swear that it was at that time; I remember perfectly well a man being brought in, and a bed was brought down for him and laid in one corner of the banquetting room, or somewhere thereabouts.

When Colonel Brereton was ordered to clear the streets, you saw him go out and shake hands with the mob? He went down from the stairs; it was before that, that I had seen him shaking hands with the mob—the streets were not cleared in my presence by Colonel Brereton; the 14th had cleared the streets.

Did not every thing appear to be quiet between twelve and one? It was some time about that time, but it was after the last effort was made by the mob of blockading the avenue, as I have stated, on the Welch Back.

Finally, whatever the exact time might be, every thing appeared quiet? It did so,—I do not think there were a dozen persons in the square.

Did not Alderman Goldney and Alderman George remain with the Mayor at the Mansion-house the whole night? Several of the Magistrates did, but I could not mention them by name.

Did they not sit up without going to bed? I believe the only person that went to bed was Mr. Sheriff Lax.

Do not you know that the Mayor was never in bed or changed his clothes from Saturday morning till Monday? I believe he was in bed before that time.

When? I believe he was in bed some part of Sunday.

Where? I believe he was in bed at the White Lion in Broad-street.

Did you see him there? I did not.

Lord TENTERDEN.—You asked the man what he believed.

I am not positive he was in bed; the chamber-maid at the White Lion informed me so the day before I left Bristol.

Mr. CAMPBELL.—She told you, I believe, that he went to wash his hands? She told me he went to bed for about two hours.

Lord TENTERDEN.—Ought we to hear what the chamber-maid told this man?

Mr. CAMPBELL.—I should think not.

Lord TENTERDEN.—Then why should you ask it?

Mr. CAMPBELL.—When you went, on the Sunday morning, back to the Mansion-house, was not the mob exceedingly violent? They were very much so.

Did it not appear to you that the Magistrates, and all who were then in the Mansion-house, were in great danger of their lives? It certainly did.

Do not you believe that it was uecessary for them to escape, that they might not be murdered? I certainly think that had they not made their escape, and used every effort to do so, their lives would not have been spared.

Did you see Major Mackworth there? I saw the gentleman on your left hand, on the Saturday night; I did not see him, to my recollection, on the Sunday morning.

Try to recollect whether you did not see him on the Sunday morning? I certainly did not.

Will you swear that he was not with the Mayor when the Mayor was making his escape from the Mansion-house? I will.

You swear that this gentleman was not with the Mayor, on the Sunday morning, when the Mayor was making his escape from the Mansion-house? I swear that Major Mackworth was not with the Mayor, or near him, from the time I saw the Mayor on the ground-floor, as I stated, till I left him on the wall.

The Mayor was then making his escape from the Mansion-house? He was.

To save his life? To save his life: I believe that various bottles and various things were heaving about his Worship's ears, if I may be allowed the term.

Could he have remained longer at his post? I do not believe he could with safety.

Did you see any thing of the Mayor from that time till the time you saw him with Mr. Daniel, the surgeon? I did not.

Will you swear that when you saw him with Mr. Daniel, they mentioned they were going to Mr. Fripp's, in Berkeley-square? The impression upon my mind is, that that was the direction that was left with me; I could not take upon me to swear positively that that was the house, but they left a message with me where they were to be found, if any of the Corporation called.

Will you swear that Mr. Fripp's house was mentioned? It is my firm belief that it was.

Will you swear it? I have no doubt about the question; the impression upon my mind is, that certainly that was the house.

Was there any thing said about Mr. Granger's house? It may have been but I do not remember.

Had you been at the Palace, when the Palace was burning? I had not left the Sheriff's house.

Re-examined by Mr. Attorney General.

You had been in charge of the Sheriff's house that night? I had.

You were asked about being dismissed from Mr. Lax's service; you say you withdrew yourself from the service? I did.

What was the complaint that was made after you left him? My firm belief is———

What was the complaint made against you, after you had left the service? Mr. and Mrs. Lax accused me of kissing the servant-maid on the sofa.

Something about a female-servant? Yes.

Are you a freeman of Bristol? I am.

Who gave you your freedom? The then Sheriff, Mr. Lax.

When did he give it you? Soon after the riot.

Did you give information to the Committee that we have heard of? To Mr. Jarman and Mr. Cross I did.

By whose desire was it? By Mr. Sheriff Lax.

A Juryman.—I wish to ask if he has ever been in the service of Mr. Pinney, or any of his relatives?

Lord Tenterden.—Have you ever been in the service of Mr. Pinney, or any of his relations? No, I have waited at table when my own master was dining there, but I never was in service in any part of Mr. Pinney's family.

Mr. GEORGE HUMPHRIES sworn.—Examined by Mr. Solicitor-General.

Were you, in the month of October last, a clerk to Messrs. Leman and Sons, solicitors, in Bristol? I was.

I believe the house of Messrs. Leman and Son is contiguous to the Mansion-house? Next door to it.

Is there any court or yard at the back of Messrs. Leman's house? There is.

Is there any communication between the back premises of Messrs. Leman's house and any part of the Mansion-house, or the back premises connected with the Mansion-house? None, without making one over a wall—over a roof of the back kitchen.

But over this wall, I understand you to state, there is a communication? A person can get over the roof of the back kitchen, and descend into the Mansion-house.

Do you recollect being at the house of Messrs. Leman, on Sunday morning, the 30th of October? Yes.

At what time of the morning was that? I should think between seven and eight.

Do you recollect your attention being drawn to any cries for assistance from any persons at the Mansion-house, or in the back premises connected with it? I do.

Did you observe any persons calling to you? On going from the room in which I was to the door fronting the back kitchen, I observed the Mayor looking over the tiles.

Did the Mayor say any thing to you? He asked me if I could lend him a ladder, or any thing to assist him down.

Did you furnish him with a ladder? I procured the office ladder.

Did the Mayor, by means of that office ladder, leave the Mansion-house, and come into the premises of Mr. Leman? In company with the rest.

I do not want to know who the rest were, but I ask you whether, among the rest, a person of the name of Townsend was there?

I did not know him then, but there was a man that assisted.

Was Townsend there, assisting the Mayor, in the escape which you state he made. Yes.

The Mayor having come into the premises, did he then leave the house of Mr. Leman? He asked me if I could show him any way out except by the front door.

Do you recollect what he said then? He seemed very much agitated, and as near as I can recollect he asked me for God's sake could I shew him out except by the front door.

Did you shew him out by any other means? I shewed him up stairs, and out of the garret window

Did the Mayor leave the house of Mr. Leman through the garret window? He did, and I directed him the way to the Custom-house window.

Did you see any more of him? I saw nothing more of him afterwards.

You did not afterwards see him in the course of that day? No, I did not.

Cross-examined by Sir James Scarlett.

What time in the morning was this? I am not positive, but I should conclude, about nine.

You saw Townsend? Yes.

What did you see Townsend doing? He was helping the Mayor.

Did you see him? I did.

Did you see the Mayor and him together? I saw him help the Mayor up.

Up to what place? On the tiles of the back kitchen of Messrs. Leman.

About nine o'clock in the morning? Yes.

And nobody with the Mayor? Yes, Major Mackworth and Mr. Gibbons of the Council House, and two others.

Major Mackworth was with the Mayor? A gentleman that I afterwards learnt to be Major Mackworth; to the best of my recollection there were five, but I can swear there were four.

And you are sure they were all together? Yes.

And Townsend must have seen them all? He could not help seeing them, because they came up all about the same time, each anxious to get up as soon as the other.

And, therefore, you have no doubt, that Townsend must have seen them all? Yes, I am sure of it.

Major Mackworth and the Mayor went away together?—The whole four or five went all the same way.

Did you see how the Mayor got out of the Mansion-house?—I did not.

Or how any of them had got out of the Mansion-house? No, I could not see, because the back kitchen is between the two points.

When was it you first saw them? I heard a noise in the old woman's room that cleans the offices, and I went to the door.

Where were they standing? They were getting upon this roof, round the court of the Mansion-house.

Was there a ladder? I procured a ladder for them to descend on this side, after they came down the roof.

And Townsend was by when they were ascending and descending? No, I did not see him but once.

How they got into the court-yard, from the Mansion-house, you did not see? No.

Mr. THOMAS REYNOLDS sworn.—Examined by Mr. Serjeant Wilde.

You are a merchant at Bristol? Yes.

Did you go to the Mansion-house on the evening of Saturday, the day the Recorder entered? Yes, I did.

I believe you found several special constables at the Mansion-house? Yes.

Did you assist them at all? Yes, I did.

Did you observe whether there was any thing like order or arrangement amongst them? I observed no order or arrangment at all.

Did you see the Mayor? Yes.

Did you make any observations or complaint to him upon that subject? Yes, I did: I remarked that I thought there were very few constables in the place, and that they wanted organizing.

What answer did you receive—what did the Mayor say? I do not recollect that he made any particular answer, but I know he told me that he had sent round to the different constables of the wards, to desire that they would furnish him with a number of constables, which they had not done.

At what hour of Saturday evening might this be? I suppose it was about seven o'clock.

Did you make any other complaint, during that evening, respecting the special constables? I remarked to the Mayor, that they were conducting themselves with more violence than I thought was necessary.

Will you state, shortly, what you said to the Mayor upon the subject o the violence of the special constables? I do not recollect that I made any other remark to him upon the subject than merely mentioning it.

How long did you remain? I remained till about eight o'clock.

During any part of the time you were there, was any thing said that induced you to quit? Yes, about eight o'clock the Mayor came to the top of the stairs, and requested that all who were not constables would leave the place.

Did you then retire? I then retired.

During the time that you remained there, did you assist at all in any endeavour to clear the mob away from the front of the Mansion-house? Yes.

In what way did the mob conduct themselves upon the occasion; did you meet with much resistance? No resistance at all.

Did you succeed in clearing the mob away? Yes, they ran away in the direction of King-street.

Did you, on Sunday morning, the following morning, hear any request by the inhabitants to go to the Council-house? I was told that the Mayor requested that all the citizens would go to the Guildhall.

At what time did you first hear of this? About half past eleven.

Did you go? Yes.

How soon after you heard of this? I went immediately.

How long did you remain? I remained till about half past one or two.

What number of persons, from the best judgment you can form, do you think might be there at any one time? I should think about 100.

Was it the same persons all the time, or a succession of persons? A succession of persons; a good many went away, and others came.

Who did you find, of the authorities of the place, at this meeting? Mr. George Hilhouse.

Who else? We waited a considerable time before we saw any one but Mr. George Hilhouse.

Did I understand you, that Mr. George Hilhouse was there when you arrived? Yes.

How long had you waited before any other Magistrate came? I should think more than an hour before we saw any other: the other Magistrates, I should think, were in a private room.

What Magistrates did you afterwards see? Mr. Alderman Daniel, Mr. Abraham Hilhouse, Mr. Savage, and Mr. Fripp.

Was the Mayor there at all? I did not see him, but I heard his voice in one of the passages.

Were any inquiries made for him at this meeting? I do not recollect hat any one inquired for the Mayor specifically.

As you heard his voice, was any thing said about him in the room by any of the Aldermen? Mr. Alderman Daniel said that he was not there, because, being very much exhausted, he had retired to take repose, at the request of the other Magistrates.

The inhabitants having attended there, in the manner you have described, were any instructions or directions given to them during that meeting? Not that I heard.

In what manner did the meeting terminate? It was terminated by a sort of general understanding that they should go home and return at half past three, bringing with them as many of their neighbours as they could.

During this meeting was any information brought of an expected attack upon the Gaol? No, not during that meeting.

Did you attend afterwards? Yes, I remained behind in the Guildhall, in consequence of Mr. Serjeant Ludlow requesting that some of the gentlemen present would remain for the protection of the Magistrates.

About what number of gentlemen remained behind, pursuant to that request, for the protection of the Magistrates? Three.

How soon after did the meeting re-assemble? I do not know, because I did not return to the Guildhall again: after I left it I went into the Magistrates' private room, and staid there for some time.

Were you afterwards present, when Humphries, the gaoler, came? Yes.

Where was that? That was in the Magistrates' private room.

At what hour was that? I think it must have been about half past one or two.

Did Humphries get any direction, as to his conduct in regard to the Gaol, should it be attacked? No.

Did he communicate to the Magistrates that he had heard of an intended attack? Yes, he did.

Did you afterwards go to the Gaol? Yes, I did.

What time did you get there? I got there about half past two.

Who accompanied you? Mr. Alderman Abraham Hilhouse and Mr. Savage.

Had Mr. Alderman Savage been the Mayor of Bristol a year before, or shortly before? Yes.

Was he recognized by any of the crowd? I am not aware that he was.

Had you seen Mr. Alderman Savage in any crowd on that day? No.

Neither at the Mansion-house nor elsewhere? No.

When you arrived at the Gaol there was rioting going on? Yes.

A considerable number of persons, I believe, in the island, and a great number on the opposite side of the river? I do not recollect that there were any on the opposite side: there were so many on the side of the river, that I could not see well what were on the opposite side.

On the Cut did you see any persons? Yes; it was on the Cut that there were so many persons that I could not see.

Would it be possible for persons on the opposite side of the Cut to co-operate with persons upon the side of the Gaol? Certainly not.

It is a wide Cut, and a very steep bank, is it not? Yes.

About what number of persons, during the time you remained, were there assisting in this riot? I should think about two hundred and fifty to three hundred actually engaged in breaking into the Gaol.

You have mentioned the Magistrates who went with you to the Gaol—were they accompanied by any other persons? There were about twenty-five, I should think.

Inhabitants? Yes.

Were those twenty-five armed in any way?—No, not at all.

Had any thing been said before you set out, upon the subject of your arming with staves?—It was particularly requested that we would not be armed.

Lord Tenterden.—Who requested you? Mr. Alderman Savage, I think, in particular.

Mr. Sergeant Wilde.—Were your party discerned by the mob? Yes.

Were you attacked in any way? Yes, as soon as we came within stone's throw of the mob, they assailed us with a shower of sticks and stones.

Were you compelled to retreat? Yes, we were.

Did you afterwards seek the Magistrates in a subsequent part of that day? About seven o'clock in the evening. I went down to the Council-house.

For what purpose did you go? I really hardly know what the object was; it was to render any assistance that was in my power.

Did you find any one who could direct your assistance? No; I found no Magistrate there.

Did you go to any other places, to endeavour to find a Magistrate? Not that evening.

Do you know where Mr. Alderman George lives? Yes, at Cotham.

Were you there at all on the Sunday, or when? I was there very early on Monday morning,—at three o'clock.

What distance is that from Bristol? Not more than a quarter of a mile.

Did you find him? No, I saw two of his servants, who were outside the door.

Where did you go from thence? I went into Park-street.

Whose house there? I did not go to any one's house; I was on my way to Berkley-square.

On the Sunday, you saw no more of the rioting? No, no more on the Sunday.

Cross-examined by Mr. Campbell.

About what hour on the Saturday evening was it, that you went to Queen-square? About five o'clock.

Did you hear the Riot Act read the first time? No, I did not hear the Riot Act read at all.

That was before the military came? Yes.

Did you see any straw carried into the Mansion-house? Yes, I saw three men come out of the body of the mob, who went across Queen-square, and in a few minutes returned, each carrying a large bundle of straw, and they went with it into the Mansion-house.

Were not the mob very violent at that time? Yes, very violent.

Did it appear to you, that the persons in the Mansion-house were in danger of their lives? Yes, in very considerable danger.

Did you stop till the military came? Yes.

In your judgment, was it in their power to have suppressed the riot? Certainly, if assisted by the civil power.

That is your opinion?

Lord Tenterden.—You asked for his opinion.

Mr. Campbell.—Did you hear any orders given to Colonel Brereton? No.

Did you observe how the Mayor was dressed? He was dressed as usual.

In his court dress, as is usual upon such a solemnity? I am not aware what is usual; I am not aware that there was any thing peculiar in his dress.

Did you observe, whether he had a dress coat and buckles? I did not observe whether he had a dress-coat or not.

Did you observe that he was dressed on Sunday? I did not see him on Sunday.

Did you see Colonel Brereton, on Sunday, with the Magistrates? I saw him enter the room where the Magistrates entered.

Did you hear any conversation between him and the Magistrates, or between him and Mr. Sergeant Ludlow? No, I was not present at that.

Did you hear any persons say that they would not act without the military? No, I did not hear any one say that.

Or that they would not act with the military? No.

There were only three that remained to protect the magistrates, at the request of Mr. Sergeant Ludlow? Yes.

How did you get the twenty-five, who afterwards went to the Gaol? A considerable number of gentlemen came afterwards.

About how many? I should think ten or a dozen; and we collected a good many, as we went along the streets.

Were not as many collected as could be found? Yes, we went into the Commercial-rooms.

To try to collect a force? Yes.

Do not you know, that the Magistrates likewise sent for the soldiers to go to the Gaol? I am not aware that they did.

Did you see any soldiers at the Gaol, when you were there? No, but I saw some go there after we were driven off.

About how many? About twenty.

Of the 3rd dragoon guards? Yes.

How long did they remain? I should think not five minutes.

Did you see what they did, when they were there? No, I saw them from Redcliff Parade, which is a considerable distance.

Did you hear any cheering, or see any waving of gloves? No, I could not see them at the Gaol.

Supposing that your party of twenty-five had been armed, could that party have done any thing towards suppressing the riot at that time? I do not think they could.

Did you see a man wounded with a sledge-hammer at the Gaol? Yes, I did.

Who was he? Mr. Little, the attorney.

One of your twenty-five? One of the twenty-five.

The partner of the Under-Sheriff? Yes.

Was not he very severely wounded? Yes, I thought he was dead; I went to pick him up, and I was obliged to put him down again.

When Alderman Savage and Alderman Hilhouse went to the Gaol, could they have done more to suppress the riot, than they actually did? They would if they had waited till the military came.

When was Mr. Little struck? Before the arrival of the military.

You said that your party were driven off before the military came? Yes.

Could you have staid with safety? No, but if we had not gone there till the military came, we might have done some good. I believe, then, that we might have saved the Gaol.

That is, if the military had acted? If the military had acted.

But if, instead of acting, they had thrown up their gloves and done nothing, could you have saved the Gaol? Certainly not.

Re-examined by Mr. Sergeant Wilde.

You were asked how many remained with the Magistrates; you said three; were any more asked to remain? The request was made generally, and only three remained.

Was the request repeated,—were any more asked to remain? No, all the rest were gone.

Do you mean at the request? No, in consequence of the request, only three remained.

My question is, whether any particular request was made to other individuals to remain. No, only a general request.

At those meetings, what appeared to you to be the disposition of the inhabitants? They were perfectly willing to act in any way that the Magistrates would direct.

Mr. JAMES PROWSE sworn.—Examined by Mr. Serjeant COLERIDGE.

In October, 1831, were you a surgeon residing at Bristol? I was.

Do you remember, upon the Saturday, the day the Riots began, going to Queen-square, about nine o'clock in the evening? I do.

At that time were the military in the square? They were.

Were parties from both regiments, both the 3rd and 14th dragoons, there? Both.

Where were they posted? The 3d dragoons were on the outside of the railing, the 14th were in the inside of the railing.

In the inside, upon the grass? Upon the walk.

Was that in front of the Mansion-house? Opposite.

Was there, at that time, a riotous assemblage of people in the square before the Mansion-house? There was.

Did you see any constables or peace-officers outside the Mansion-house? I saw a few at the door, I think.

Did you go yourself into the Mansion-house? Not at that time.

I am speaking of about nine o'clock; did you see Mr. Serjeant Ludlow? I did.

About what time was that? I think it was about nine o'clock; the time that I spoke of was previous to this.

My question related to your being there at nine o'clock? I was then within the Mansion-house.

Were the troops without in the way you have just described? They were.

Were there any constables without? Some at the doors.

You say you went in; did you see any constables within the house? I did.

Did you see Mr. Serjeant Ludlow? I did.

About what number of constables might you see, within and without the house, at that time? Perhaps fifty or sixty altogether, at that time; I do not know that they were all constables.

You saw as many persons? I saw, perhaps, more than that.

Did you learn, in the Mansion-house, that any part of the constables had been sent away? I understood that they had been sent away.

Sir JAMES SCARLETT.—That is an answer to a leading question, which I think ought not to have been put.

Mr. CAMPBELL.—It is a leading question of hearsay.

Mr. COLERIDGE.—On the Sunday morning, about noon, did you go again to Queen-square? I did.

About what time of the day was that? Between twelve and one.

At that time were there any military before the Mansion-house?—A few.

Was there a mob there? There was.

What were they doing? Throwing stones over the heads of the military, and some of them were before the military, battering down the boards, which had been put up after the Mansion-house had been broken into, on the Saturday night.

Lord TENTERDEN.—What part of the military were they? The 3d dragoons.

Mr. COLERIDGE.—How long did you stay there upon that occasion? I staid there till a little after one, or about one.

Lord TENTERDEN.—How long did you stay there? About an hour.

Mr. Coleridge.—While you were there, did you see either of the Aldermen come up towards the Mansion-house? I did.

Who were they? Alderman Savage and Alderman Hilhouse.

Which of the two? I believe, Mr. George Hilhouse, the shorter of the two.

Were they recognized by the mob? They were.

Did they go to the Mansion-house, or return? They went up near it, and looked at it; I suppose, to see what state it was in.

Did they then go back? They returned, having been recognized.

While you were there, did you hear any thing said about the Bridewell, among the mob? I did.

What was it? There was a loud declaration coming from the mob, that they were going to Bridewell to break it open.

Did you see, in point of fact, a part of the mob go off in that direction? I did.

Did you, upon that yourself go towards the Bridewell? I did.

By the same route that the mob did? Not by the same route.

When you arrived there, had the mob got to the Bridewell? They had.

Lord Tenterden.—Is it necessary to go over the same ground so often? We have had that half a dozen times.

Mr. Coleridge.—Did you see the numbers and the character of the mob that arrived at the Bridewell? I did.

About what was their number? Perhaps sixty or seventy, men and boys, and women and girls.

Of those, how many, at the time you arrived, were actually engaged? Perhaps not more than five or six; the gateways being narrow, there could not many work at a time.

In your judgment, could a civil force have prevented what they were about,—that mob at the Bridewell? Certainly.

A civil force of what amount? On that side, I think a dozen men well armed might have prevented it,—twenty at most.

Were you to and fro from time to time, while Bridewell was being attacked? And also while it was burning.

How long might it be from the time the attack commenced, before you saw any flames or smoke? I think, an hour and a half, or an hour and a quarter, before I saw smoke issue; I did not remain the whole time, for I had found two of my sons in the square, and I thought it right to go home with them.

In the course of the evening, do you remember going to the Bishop's Palace? I do, at night.

About what time? Eleven o'clock.

Was it on fire? It was.

Was there, at that time, a large assemblage of people? Not at that time.

Do you remember seeing the Dodington troop of Yeomanry in College-green? I do.

Where were they drawn up? Opposite the Cathedral.

That is near to the Bishop's Palace? It is.

That is the troop commanded by Captain Codrington? It is.

Did you see Colonel Brereton in conversation with Captain Codrington? I did.

Had they any Magistrate cr any peace officer with them? I saw none.

About one o'clock on Sunday night or Monday morning were you in Queen-square? I was.

About that time what was the number of the mob, as near as you can judge, in Queen-square? Do you mean rioters or the whole?

First, give me the number of those engaged in the riot? About three or four hundred actually engaged,—that is going to and fro, going to plunder

and going to recive plunder,—going backwards and forwards, but not any thing like that number, actually engaged in breaking into the houses.

About how many do you suppose were actually engaged in breaking into the houses, and setting fire to them? Perhaps a dozen or two, or more.

Do you remember, at that time, a cry being raised, that the soldiers were coming? I do remember it; I had previously apprised many persons among the crowd, that I saw there, that there was a large troop coming, which I expected every moment; I purposely apprised them of it.

What was the effect upon the persons assembled, of that cry being raised? The effect upon that part of the assemblage, which I consider the mob, was to cause them to run off immediately; a great many of the mere spectators ran away also.

Did you yourself go home after this? I followed some soldiers that came up, to see what they were going to do.

Did you, in point of fact go home? I did.

In your way home, had you to pass through a place called Barton Alley? Yes.

Mr. Justice Littledale.—At what time was this? This was about one o'clock, or a quarter to one.

Mr. Coleridge.—Do you remember seeing a gin-shop broken into? I did not see it broken into; the persons had actually broken in when I got there.

Were there persons in the gin-shop plundering? There were.

About how many? Fifteen or sixteen; the proprietor was trying to appease them by plying them with gin.

Did you go into the shop? I did.

With other persons? With two or three other persons.

Did you turn them out? We did.

Were you at Lawford's-gate? I was.

Were you at the Gaol? I was.

Were you at Queen-square at other times than those I have asked you? I was.

On the Sunday? On the Sunday.

During those times did you at any time see any resistance offered by the civil power to the rioters? Not any.

Cross-examined by Sir James Scarlett.

I think we begin at the Mansion-house usually; about nine o'clock was your first appearance? Yes.

When you went to the Mansion-house did you see the soldiers? I did.

What were they doing? The dragoons at that time were standing before the Mansion-house, and the Blues were riding backwards and forwards within the railings.

Did you see any of the 3rd dragoons drinking or smoking with the mob? No, I saw the dragoons themselves smoking together; I saw an officer of the Blues give one of his soldiers a segar: they seemed to be quite at their ease.

Whilst the riot was going forward? There was no actual riot at that time.

You did not stay long at the Mansion-house? Perhaps an hour or an hour and a half; I do not exactly know how long.

Did you hear any shouting by the mob? I did.

What did they shout? "The King," and sometimes "Reform," I think.

Were the shouts very general? Among those persons that I suppose to have been rioters they were, but not among other persons that were most of them behind the soldiers.

Those persons that were behind the soldiers that stood in the Square, did they take any part to prevent the rioters—did you see any activity used by them? Not at that time: there were a great number of persons within the Mansion-house as well as myself, who went to offer their services as I did.

Did you see Colonel Brereton there? I believe I did not at that time.

Did you see him at any period of that night, about the time that the 14th dragoons were attacked by the mob? I did not.

Did you see him at any time? Not that night.

Do you recollect the circumstance of the 14th dragoons firing? I recollect that perfectly well.

When I say that night, I call the night till the daylight in the morning? Certainly.

What I call Saturday night, I consider as lasting till six o'clock on Sunday morning; during that period did you see Colonel Brereton? I did not.

Did you hear him say to the mob, or to any of them, that they should not be fired on again? I did not; I did not see him, or hear him, on Saturday night, at all.

Did you ever hear him say that? I never heard him say so.

Or any thing to that effect? Or any thing to that effect.

Or any thing about the 14th light dragoons? I never heard him say a single word about the 14th light dragoons.

When you heard the mob say, on the Sunday, that they were going to the Bridewell, were any of the soldiers present to hear that? They were.

How many, do you think? There were, perhaps, a dozen, or fourteen or fifteen in Charlotte-street, and one part of that number were in the square, on the other side; they, of course, could not have heard, but those in Charlotte-street must have heard it.

Mr. Justice Littledale.—How many were there in Charlotte-street and the square? I do not think there were more than fourteen or fifteen altogether.

How many in Charlotte-street? Perhaps eight or ten.

Sir James Scarlett.—Were they on horseback? They were.

Was there any officer with them? I think not; only a serjeant.

Did you go immediately to the Bridewell? As soon as the mob went I also went, but I went by another road; I went along the Back, and they went along Back-street.

Were the gates closed when you arrived? They were.

The gates are usually left open? By day.

Could you tell how they had been closed? I suppose by persons within?

Who were enclosed inside? I suppose the Governor and his attendants.

Did the mob attack the gate? They did.

What did they do to get them open? They hammered in the first place.

Had they hammers with them? Hammers or bars.

Or both perhaps? Or both: I do not know that I actually saw a hammer at that time.

Tell me how the mob got through the gates? They struck the gates, and in five minutes after they had beaten at the doors, I saw the gates give way—that is, they were partly open.

What became of the gates? I did not see what became of the gates.

Did you go within the gates? Not at that time.

Then the gates had been shut? They had been shut.

How long were they attacking the gates? They were perhaps eight or ten minutes before they forced their way in.

At both gates, or only one? It is one gate I am speaking of.

Which street was that towards? Towards the Guildhall, towards the city.

Then what was passing at the other gate, I presume, you do not know? I do not know.

When they forced the gate, and got in, you did not go with them? I did not go; the mob was increasing; I thought it was time to go home with my children.

The mob was increasing, was it? Certainly, or rather the spectators were increasing.

It appears to me that all Bristol seemed to be spectators; there was a vast crowd of spectators, were there not? In some places,—in the square, for example.

Were there men amongst them, as well as women and children? Yes.

Great numbers of men? In some places, but not there.

You have stated, that you went back to the square the next morning, and you saw Aldermen Savage and Hilhouse come, and they were recognized by the mob, but you have not been asked in what manner the mob showed that recognition? They hooted them, and hissed them.

Very much? Not very much.

Were their names mentioned? I think not; I recognised them immediately, because I knew their persons.

At what time of the day might that be, on Sunday morning? It was perhaps from half past twelve to one, when they came up.

How long had you been there before? I think about half an hour; I had come from College-green.

What I want to know is, whether you happened to hear Alderman Hilhouse read the Riot Act that morning? I think not,—he certainly did not then.

Did you see any soldiers come to the Mansion-house, whilst you staid there? I saw none.

You say the mob were throwing stones over the soldiers' heads at the windows, and were also batteriug the windows, to destroy a protection that had been put up in the night. Did the soldiers interfere to prevent them? Occasionally they did; they would ride up, and drive them away, and then retire to their stations.

At what hour in the morning were you in College-green? Between eleven and twelve.

Was not there a considerable body of men there, a considerable crowd, whether you call them mob or spectators, I do not care? Not a great many.

Did you see any engagement between the 14th light dragoons and the mob there? I did, or rather I heard it; I saw the people throwing at the military, from College-green, to College-place.

At College-green, at eleven o'clock, upon the Sunday? I should rather say it was between College-green and College-place.

At the same time that this was passing there was a great crowd in Queen-square? I do not know that there was,—I had not been there then.

When you did go, you found a great crowd? The crowd was not great.

I do not know what you may call a great crowd, some persons call 500 a great crowd? Altogether there were not 500, or anything like that number.

Did you go immediately from the place where the 14th light dragoons were engaged with the mob, to Queen-square? I did.

Then at Queen-square you found about five hundred? Not 500, nor any thing like it.

How many might there be engaged with the 14th? I do not know, for I did not get close enough to look down College-place; I did not turn round the corner, lest I should be shot.

You heard, shot then? I did.

And you saw stones and sticks flying? I did.

At the 14th light dragoons? Yes.

What became of that body? They retired.

Who was with them? I do not know.

Upon your oath, was not Colonel Brereton there? I suppose he was, but I did not see him there, I saw him afterwards.

How soon afterwards? Half an hour.

Where? At College-green.

Then he was not there when they were firing? I suppose he was, but I did not see him there.

Sir JAMES SCARLETT.—I understood the witness to say, before that he had not seen Colonel Brereton the whole of that day? On Saturday night.

Do you know what caused the soldiers to retire? I do not know the cause.

Then you saw Colonel Brereton half an hour afterwards, what was he doing there? He rode up to his lodgings in Unity-street; for I had been to dress one of the wounded persons; and, after I had dressed him, and sent him off to the infirmary, Colonel Brereton rode up.

You did not hear him say any thing? No, I was not near enough to him.

You raised a cry on Sunday night, and circulated a report that the soldiers were coming? I did, having seen the Dodington troop.

Did any soldiers come soon afterwards? A few of the dragoons came forward.

How many do you think? Four or five.

What did they do when they came? They did nothing.

Did they get any thing? I believe they did.

What did they get? I think they had a bottle of wine given to them.

By whom? By some of the mob.

And then what did they do? They went away.

Were they cheered by the mob? I do not recollect, probably they were.

Did you go after the soldiers? I did.

Did you see any of the wine drunk? I did.

Did you see them drinking with the mob? I did.

Where did you see this? On the Quay, two of the dragoons.

In going to the Quay, where you saw them drinking the wine, they must have passed through the square? One part of it.

They must have rode through the mob. Through the mob.

Mr. ATTORNEY-GENERAL.—Is it absolutely necessary that they should have gone through the mob, to have got through the square? No.

There were four sides to the square, and only one of them occupied by the mob? Only one side.

Sir JAMES SCARLETT.—Did they ride through that one side? They did.

Mr. CHARLES GARDINER sworn.—Examined by Mr. SHEPHERD.

I believe you are a captain of a merchant-vessel, and live at Bristol? Yes.

On the afternoon of Saturday, the 29th of October, did you go to the Mansion-house? I did.

About what time? About two o'clock.

For what purpose did you go there? To offer my assistance as a special constable.

Lord TENTERDEN.—Had you been sworn in? I had.

Mr. SHEPHERD.—About what time was it when you returned home at night, the last time when you left? I think it was about a quarter past six.

During the time you were at the Mansion-house, did you see Sir Charles Wetherell? I did.

Did you assist him in escaping from the Mansion-house? I did.

I believe you took him to your own house? I did.

About what time? I think it was about a quarter past six, or near about that time.

Do you know how soon after that he left the town? I should rather think he left Bristol about ten o'clock, or probably before.

Cross-examined by Mr. CAMPBELL.

Sir Charles Wetherell escaped before the soldiers came, did not he? He did.

Did not it appear to you that he was in danger of his life? Certainly he was.

Did it appear to you, that it would have been practicable for him, at that time, to have continued at Bristol, and to have held the gaol delivery? No.

Why? I think he was in danger of his life.

From whom? The mob.

Mr. DANIEL THOMAS MACARTHY sworn.—Examined by Mr. WIGHTMAN.

In October last did you carry on the business of a stationer in Bridewell-lane? I did.

How near was your house to the Bridewell? Quite convenient; it is the corner house in Bridewell-lane, that is to say, it is within, may be, a dozen yards.

On the Sunday morning had you been in Queen-square? I had.

Did you pass by the Exchange, in returning from Queen-square towards your own house? I did.

At about what o'clock? I suppose the first time, when I was at the square, was about nine o'clock in the morning.

Will you tell me when you returned home from the Exchange? I suppose it was about that time, but I returned afterwards to the Exchange.

Were you, at any time on the Exchange about one o'clock? About a quarter to one.

Were you then going towards your own house? I was going towards Queen-square, to see if I could see any of the Magistrates.

Did you see any mob of persons? I saw a mob coming in a direct line from the Mansion-house, apparently.

What sort of persons did they appear to be, men or boys, or what? Men and boys together.

How many do you suppose you saw? I suppose there may be from 60 to 100.

Did you hear them say anything as to what they were going to do? I asked one of them where they were going to, and his reply was, "we are going to Bridewell, to release the prisoners."

Were they then going in the direction that would take them to Bridewell? Certainly they were.

The Exchange stands in Corn-street, I believe? It does.

In going from past the Exchange to the Bridewell, would they pass the Council-house? They turned close round the Council-house.

Would they also pass the Guildhall? Yes.

When you heard that they were going to Bridewell, did you go to your own house? Yes.

Did you go by a different way from the mob? I cut through a lane.

Did you get to your own house before the mob arrived? Yes, I did.

Did you see them come to the Bridewell? Yes.

Was the gate next the Bridewell-lane shut when they came? It was not.

Was it wholly open, or only partially? Wholly open, the same as it generally is in the middle of the day.

Did you see the attack made by the mob upon the Bridewell? Yes, I did.

Was it the first attack? When they first came there was a general halt made at the Bridewell gates; they seemed to be, in their minds, tenacious of approaching the Bridewell; at last one boy goes from the rest of the mob, and knocks at the governor's door.

Well, what then? He returned back again to the mob, and shortly after some other person appeared to come from a direct line with the top of the lane, and there was a general rush into the inside of the place.

Then the attack took place? Yes.

Did you go to the assistance of the Governor? I saw that the Governor repulsed them in the first place and got the gates partially shut.

The gates leading to Bridewell lane? Yes, one of the gates had been shut at that time.

The bridge-end gate? Yes, the bridge-end gate.

The Governor had repulsed the mob and got the gate partially shut? Yes.

What happened then? Seeing that they had overpowered him, I went to the back part of my premises.

Was any attack made upon the gates that had been so partially shut? Yes, they were forcing the gates open; they were in the act of forcing them open when I left.

What did you do? The back part of my premises runs directly behind the Bridewell; I got on the top of the tiles at the back of my premises, and got on the roof of the Bridewell, and then I called out for Mr. Evans the governor.

Did you see Mr. Evans? Mr. Evans came up to me.

Did he get upon the roof of his house? He has a small window leading from the roof of the Bridewell.

Did he make his escape that way? Yes, with his wife.

Did he desire you to go anywhere? Yes, he requested I would call upon the Magistrates to state his situation, or to come to his assistance.

How long had this occupied from the time you got to your own house till you were requested to go to the Magistrates? From half an hour to three quarters of an hour, I should think.

Did you go in search of the Magistrates? I did.

Where did you go to first? I went to the Guildhall first of all.

Did you go to the front door? Yes.

Could you get in? No, I could not; I found it shut.

Did you knock? Yes; I found the door closed, and I then went to where the witnesses generally go through,—the side door.

Was that open or shut? It was padlocked.

When you found you could not get in at the Guildhall, where did you go to then? I went from there to the Council-house.

Could you get in there? No, I could not.

Where did you go to then? I went with Mr. Lunell in Corn-street—he took me by the arm and enquired of some gentlemen whether they knew where the Magistrates where, and they said, they believed they were in the Guildhall chamber.

Did you go to the Guildhall chamber? Yes, I did.

With Mr. Lunell? Yes, I did.

Could you get in there? I made application, or Mr. Lunell made application for the Magistrates; he was denied at first, but he insisted upon going in.

Who is Mr. Lunell? One of the Mr. Lunells was the Sheriff of Bristol at one time; I do not know whether he was at that time.

Is he a respectable man? Yes, a merchant of Bristol.

You say Mr. Lunell insisted upon going in? Yes; he said he wished to see the Magistrates, and insisted upon going in, but there was some objection made at first.

Did you ultimately get in? Yes, I did.

Did you find any of the Magistrates there? I met Mr. Alderman Daniel.



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Where was he? He was sitting in the chair at the head of the table, sitting there as Senior Alderman, I suppose.

Any other Alderman that you knew? Mr. Alderman Savage and Mr. Alderman Hilhouse; I am not certain whether Mr. Alderman Savage was not there.

Was the Town Clerk there? He was.

Besides the Magistrates and the Town Clerk you have mentioned, was there any other person in the room? Yes, several persons.

Was Mr. Johnson there? He was.

He is a solicitor at Bristol? He was a solicitor there—he has since left.

Lord Tenterden.—Did you deliver the Governor's message? Yes, I did.

Mr. Wightman.—To the Magistrates assembled there? Yes.

What did you tell them? I stated that Bridewell was attacked, and that they were in the act of releasing or had released the prisoners, and they were going to set it on fire, and I requested the Magistrates to come immediately to the assistance of Mr. Evans, as it was impossible to protect the prison.

Lord Tenterden.—Was the Mayor there? I did not see the Mayor there.

Mr. Wightman.—Did you tell them how many men you thought would be sufficient? Yes; I stated that I thought twenty men would protect the prison and ten soldiers, and if they would give me orders, I would go to the square and get them.

What square did you mean? Queen-square.

Did you get any answer? They made me no reply to that, and I pressed upon them again the immediate necessity of going there. I requested that they would not delay, or in a short time the place would be in flames. I believe the reply was, "you say they have released the prisoners—pooh! pooh! there will be nothing more done," or words to that effect.

Was that one of the persons at the table? I did not know who it was at the time.

Sir James Scarlett.—I conceive this not to be strictly evidence. Your Lordships observe I have avoided purposely from making objections to much of this evidence.

Mr. Attorney-General.—We conceive it is evidence, and are ready to maintain it if objected to.

Sir James Scarlett.—As my learned friend dares me to it, I ask, without argument, whether it is evidence?

Lord Tenterden.—If you do not object to it, I do not see why we should exclude it.

Mr. Wightman.—Did Mr. Johnson make any remarks? Mr. Johnson was pressing upon them the necessity of allowing them to make use of fire-arms.

Lord Tenterden.—It will always be remembered when we come to sum up.

Mr. Wightman.—Did you get any answer to that? Mr. Sergeant Ludlow stated, that every man was justified in using fire-arms in his own defence.

Did Mr. Humphreys the Gaoler come in at this time? He did.

Did he make any communication to the Magistrates? He came in, and stated to them that the Prison was attacked, or about to be attacked, and requested to know what he was to do; whether he was to defend the prison, or release the prisoners.

Was that the Gaoler? Yes, that was the Gaoler.

What answer did he get to that? He did not get any answer for some time; he spoke two or three times to the Magistrates.

What answer did he get at last? Mr. Alderman Hilhouse, I think, stated, "Mr. Humphreys, you are to use yonr own discretion, as to the prison, but mind, the Magistrates give you no direction."

Mr. Justice JAMES PARKE.---Which Alderman Hillhouse was it? I do not know the one from the other.

Mr. Justice LITTLEDALE.---Was he a tall man, or a short man? I believe he was a tall man.

Mr. WIGHTMAN.---Upon this, did you make any proposition to them? I stated I was ready to go with them any where that they might command me, for the protection of the Bridewell, or the Prison.

You say you expressed your readiness to go any where, to protect the Bridewell or the Prison? I did.

What was done upon that, or said by the magistrates? There was nothing said; there did not appear to be any action on the part of the Magistrates, at this time, and Mr. Johnson pressed upon them to be allowed the use of fire-arms; he said, if they would allow him fire-arms he would go any where with them, but not without.

Did any of the Magistrates propose to go either to the Bridewell or the Prison? I think Mr. Alderman Savage or Mr. Alderman Hilhouse stated, if any other magistrate would go with him, he would go down to the Prison.

Was any thing said about going armed? Yes, Mr. Johnson stated it, and I expressed a wish myself.

You say one of the Aldermen proposed to go down to the Prison, if one of the others would go with him; was that agreed to? Yes, it was.

Was any thing said there about arms? I think Mr. Alderman Hillhouse said, he would not allow any arms to be used,—that if they did, he would not go with them.

Did you go? I did,

What Aldermen went with you? Mr. Alderman Hilhouse, and Mr. Alderman Savage.

Lord TENTERDEN.—That has already been proved.

Mr. WIGHTMAN.—Yes, my Lord. Then you went to the Prison? Yes.

And I believe you retreated from the Prison? We were obliged to retreat.

Where did you go to when you retreated? I immediately got across the square to the soldiers.

Was that of your own head, or by any direction? By my own head.

What did you want with the soldiers? I went there to see if I could not get them to assist the Civil Magistrates.

Did you then go the Guildhall afterwards? Yes, I did.

Did you see any of the Magistrates there? I met the brother of Mr. Alderman Hilhouse.

Did you communicate to the Magistrates you saw there what had taken place? Yes, I did.

Cross-examined by Sir JAMES SCARLETT.

You say you went to the soldiers in Queen-square; how many did you find there? Only five.

Did you propose to them to go? Yes.

What did they say? They said they had been placed there, and they could not move without orders.

The Rev. THOMAS ROBERTS sworn.—Examined by Mr. ATTORNEY-GENERAL.

You are a minister of a Baptist congregation, at Bristol? I am.

On the Sunday, the 30th of October, did you receive a notice, from the Mayor, of an intended meeting? I did.

To be read to your congregation? It was.

I suppose you meet for service about eleven o'clock? It was handed to me in the pulpit just before the close of the service, between eleven and twelve.

Was it a written or printed notice?

Sir JAMES SCARLETT.—Have you got a copy of it?

Mr. ATTORNEY-GENERAL.—No.

Mr. CAMPBELL.—We shall not object to a copy being read.

Mr. ATTORNEY-GENERAL.—You can read it, if you please.

Mr. CAMPBELL.—I will read it. "The Magistrates"——

Lord TENTERDEN.—Is that the paper?

Mr. CAMPBELL.—We will ask him. (A paper was handed to the witness.)

Mr. ATTORNEY-GENERAL.—You received some notice which you read to the congregation?

Mr. CAMPBELL.—Does that appear to be a copy of it? No, this is not a copy of it; the notice I received was much shorter than that, but the purport of it was to request ——

Mr. CAMPBELL.—Look at that—is that it?

Mr. ATTORNEY GENERAL.—"The Magistrates most earnestly entreat the assistance of their fellow-citizens to restore the peace of the city, by assembling immediately, at the Guildhall.

"Guildhall, Sunday morning, 10 o'clock."

Yes, that is it. (The same was delivered in and read.)

Mr. ATTORNEY GENERAL.—You read the note to your congregation? I did.

Did you go to the Guildhall? I went to the Guildhall immediately after the service.

Did you find the front door open or how? The large door of the Guildhall, the main entrance, was closed.

Did you enter the Guildhall through what is called the Guildhall chamber? No, I did not; I passed under an adjacent passage, which led me to the door of the Magistrates' room.

When you entered the Magistrates' room, did you find the Magistrates there? I did.

Was the Mayor there? He was.

And many other Magistrates? And many other Magistrates.

And the Town-Clerk? Yes.

Was any gentleman presiding as chairman? The Mayor.

Were there any military men there? Two.

How long do you think the military men remained, after you entered? Not three minutes, or not more than three; they were just closing a conversation, and they went out of the room nearly as soon as I entered it.

Did you address the Mayor? I did.

Was it in consequence of saying any thing to you, or did you first speak? Being on terms of friendship with the Mayor, he shook hands with me, and asked me how I did; I then said, I had something to propose for his consideration, and that of the Magistrates.

Did you tell him what it was? I said, from a long residence in the city of Bristol, and almost a perpetual association with all the haunts of misery round the city, I knew a great many of the lower orders of society, and I believed was known to them, and, if he pleased, I would go down to the square and observe the grade of the mob, and if anything could be done by persuasion, to persuade them to retire.

What answer was made to that? The Mayor made the proposal to the Magistrates in the room.

Did you remain whilst they consulted upon it? I was requested by the Sheriff, Mr. Bengough, to retire.

Did you do so? Yes, I did.

To what place did you retire? To the adjacent passage

Did you find any persons there? Many.

Inhabitants of Bristol? Yes, inhabitants of Bristol.

Did they appear to you to be respectable persons? Very.

Did others arrive while you were waiting there? Several.

Were you recalled to the room? I was.

Did any body there address you? The Mayor.

What did he say? He said the Magistrates had accepted my offer.

Do you happen to remember whether the Town-Clerk said anything at at that time? I did not hear him say anything.

Did you say anything to the Mayor upon his saying your proposal was accepted? I said, I thought it not a trifling thing to go down alone in the face of an infuriated mob, and I should be glad if some of the gentlemen, one or two, would accompany me.

Was anything said in answer to that? The Mayor immediately walked out of the room on the landing place, on which many gentlemen were assembled; he addressed them and informed them of the proposal I had made, and of the offer being accepted by the Magistrates, but that I wished some gentlemen to accompany me, and he hoped there would be some friends to go with me.

Did some of the gentlemen there agree to go with you? A Lieutenant Watt, of the navy, and Mr. George Protheroe, the Ex-sheriff, and, I believe, Mr. Samuel Waring; there might be others, but I recognized those three.

Are you certain of those three? Yes, I am.

Did they accompany you to the square? Yes, they did.

In what state did you find the Mansion-house? In a very dilapidated state.

The windows and doors nearly all broken? Yes, and many of the windows boarded up afresh on the outside.

And some of those boards apparently torn down? Yes.

Was there any mob near the place? A very large mob.

Were there any soldiers there? Yes.

The guards, I believe, in red uniform? Yes, the dragoon guards.

Were they drawn up? They were in front of the Mansion-house.

What appeared to you to be the condition of the mob generally speaking? They appeared to be divided into two classes, the one actually riotous and attacking the boards that were erected for the defence of the windows, and those appeared to be much intoxicated, and the other part of the mob, from their appearance, appeared to be about the same grade of society, but they were laughing and cheering at witnessing the attacks of the others.

Did they appear to be sober generally, that class? Some of them

Did you observe whether there were any by-standers besides either of those divisions of the mob? Many.

Did you find an officer with the men? Yes.

Did you apply to him to get a way for you through the mob? I went to him and informed him I was there with the knowledge of the Magistrates, and I would esteem it a favor if he would make a way through the mob, so that I might reach a low wall opposite the house, that I might have a distinct survey of the mob, and if possible, speak to them.

I mean a regimental officer? Yes, a regimental officer.

Do you know who it was? No, I did not, nor have I known since.

Did he clear the way for you at all? He refused.

Did he assign any reason? He said, he thought it perfectly useless, that the mob were perfectly harmless, and that they were on the best terms with the military.

Did you reach that part of the low wall? No, I could not.

Did you get some situation? I entered a house, the owner of which kindly accommodated me with a first-floor window.

Did you make any attempt to address the mob? It was imposible.

From the noise? From the noise—I think it right to say, just at this time Mr. John Lunell, a highly respectable man, the Ex-sheriff, he was with me at the time I was in this one-pair of stair room.

You had an opportunity of seeing the kind of people assembled? Yes, fully.

For some time? Yes, for nearly an hour.

Were you molested yourself? Not at all.

Was the same kind of conduct observed by the people you have now described? Till nearly the close of the time, when a great number of them had left that scene to go to the Bridewell.

At the end of the time you have mentioned did you go back to the Guildhall? I did.

Did you find the Mayor and other Aldermen there? I did.

Did any other person come into the room at the same time you did? Mr. John Lunell, who accompanied me from the square.

I mean any other person with the news about the Bridewell? No; that person came in after I had been in the room some time.

Was it after you made your report? Yes.

Did you report what had happened to you? I reported what I had seen in the square.

And what the officer had said, perhaps? Yes.

Did you tell them what sort of persons you had seen there? They enquired respecting the mob, and I said they did not consist of working men, mechanics, or artizans, or even working porters, but that they appeared to be of the grade of the shovel and pickaxe, or men that work in canals and dig out the foundations of houses, and such kind of work.

Was any question put to you upon your making that report? A question was put to me, did anything strike me as necessary to be done or that could be done.

What did you say to that? I said, I thought it was necessary to make a separation between the mob and the object of attraction, which was then the dilapidated state of the Mansion-house,—that the military might be employed to drive the mob out of the square, and more military to be stationed across the various avenues into the square, so as to prevent any ingress or egress, and by that means I thought no more injury would ensue in the square.

I do not know whether you said any thing about the prisoners? I said, what prisoners were taken might be brought into the square, where they would remain in safe custody, if there was neither ingress nor egress.

Any thing else? Do you mean whether I said any thing else?

After that did you say any thing else? I have no recollection that I did.

What was said respecting your suggestion? Mr. Alderman George thought the advice injudicious.

In what respect? Because he thought that the mob would be driven on the Quay,—that they would put out or cut off the gas-lights, and very probably set fire to the shipping.

Was any other objection made to your plan? I do not recollect any other.

It was not adopted? No.

Do you remember any remark about the river being near the Quay? In reply to the remark I have just repeated, I said, when it was said that they would be placed on the Quay, and consequently endanger the shipping, I said, I thought that they would be more easily driven into the river.

Did you leave the room soon after that? Not very soon.

How soon, do you think? Perhaps in ten minutes.

Had you seen the Town-Clerk there, on both occasions? Yes, I had, on both occasions.

Before you left the room, did you hear the Town-Clerk say any thing? He seemed to complain that there had been much deliberation used, during the course of the forenoon, and nothing conclusive adopted; that it was then an advanced period of the day, three or half-past three, and he said, "nothing is done, and in an hour and a half, or a little more, it will be dark, and I think it is now high time to take care of ourselves."

You say you left in about ten minutes from the time I have mentioned; did you go to the Bridewell? I went from the Guildhall; tidings were brought into the room, whilst I was there, that the Bridewell was on fire.

Did you go to see whether it was so? And from the room Mr. Lunell and myself, the Ex-sheriff I have just mentioned, went in company down to the Bridewell, to see whether it was so.

You found that it was so? Yes, it was so.

Mr. Lunell, I believe, returned to the Guildhall, and you went home? Yes, Mr. Lunell returned to the Guildhall, and I went home.

Cross-examined by Sir JAMES SCARLETT.

At the time you described your first going to the Guildhall, I think you say there were two military officers quitted? Yes.

Did you hear any part of the conversation? Not a word.

Did you know either of them? Not at that time, but since, I ascertained that one was Colonel Brereton; I ascertained it was Colonel Brereton by seeing him make the charge on Monday morning, at the head of the dragoons; and I saw him at the court-martial, on his trial.

The other you did not know? No.

In the proposal you say you made to the Mayor, that was accepted, was it your intention to have informed the mob you were addressing, that you had come by the direction of the Magistrates, or, to use your own influence? Will you just repeat that?

Was it a part of your proposal to inform them, that you came by the direction of the Magistrates, or to use your own personal influence, as a person respected? To use my own personal influence.

When you told the officer you came by the direction of the Magistrates, it was a private communication to the officer? Yes, in order to procure an easy access to the place.

Had you been at all, before that time, aware of the expressions of resentment and violence, that the mob had used towards the Magistrates? No, I had not; I had not been mingled up with it, in any way whatever; I left the city on the Saturday, early, the day that Sir Charles Wetherell came in, and I neither saw nor heard any thing of it, till I received that note from the Mayor, on the Sunday, before I left my pulpit.

I will ask you one question; from what you saw from the time you first saw the mob, till you quitted the scene, did it appear to you, that the Magistrates received proper aid, either from the military, or the civil power? I had not an opportunity of witnessing what aid the military rendered, or would have rendered; I was certainly strongly impressed with the apparent apathy that was manifest throughout the whole city, while there was such staring danger in the face.

Are you aware of any means the Magistrates might have adopted to have subdued that apathy, and to have induced the inhabitants to come forward and assist them, are you aware of any means they left untried? The advice I gave to the Magistrates, on my return from the square, I felt fully satisfied, at that moment, would have been efficient; but at the same time, I have fully satisfied myself, since that period, that it was out of their power to have adopted it.

You are fully satisfied that the advice would have been efficient, if followed, but that it was out of their power to have adopted it? Yes, in the way that I recommended, by the military.

Did you see military enough in the town, to enable them to adopt it? Will you allow me, Sir James, to say, in justice to myself, that the advice I gave to the Magistrates as to the military, was under the impression that the 14th light dragoons were still in the city.

You were not aware, at that time, that they had been sent away? I was not; indeed I had not been acquainted with any of the prior proceedings.

After your return to the Magistrates, to the Guildhall, when you stated what had passed, did any military officer come; did Colonel Brereton come there again? I did not see him.

Were you there when Mr. Serjeant Ludlow addressed the persons assembled respecting the military? I have no recollection of it.

You say, when you were in the square, after you had been there about an hour, a considerable number went off towards the Bridewell? Yes.

Did you know at that time, they were going to the Bridewell, or is it what you learnt afterwards? I heard a shout, "Bridewell, Bridewell."

Can you form any judgment of the number that went? All the men engaged actively in assailing the Mansion-house, in this dilapidated state, went away as soon as the cry was set up, "Bridewell, Bridewell," and the similar grade of society unoccupied, followed them.

All the active men had gone away before you heard the cry? Yes, and a space being made by the removal of the active men, was the cause of the shout set up, "Bridewell, Bridewell."

And probably, some of the spectators? It is not at all unlikely.

You saw the Bridewell in flames; afterwards, did you make any stay there? I did not see the prison in flames, I saw a great cloud of smoke issuing from the front door, apparently from straw and other light combustibles, newly kindled, but I did not see any flames.

Did you see any number of people? The mob was dense, so much so, that Mr. Lunell and myself, after making penetration a small way through them, said to each other, it was impossible to get through, and we made up our minds to retire; our object was to get into the Bridewell.

You went immediately to that place from the Guildhall? Yes.

From what you saw of that dense mob, do you believe it would have been possible for the Magistrates, unaided by a military force, or a large body of the civil force, to penetrate that mob? The mob consisted partly of riotous, and partly of unoffending persons, brought there entirely under the influence of curiosity. I am not aware, that had I been a Magistrate, and observed it, that I should have been of opinion that the military was necessary to disperse it; for though the mob was dense, it was confined in a small space on the pavement, about four yards wide, and I am of opinion, that a strong police force, and a strong posse comitatis, might have put them down. What the mob was inside of the prison, or what arms, or what implements they had got, I had no means of knowing.

From what you have stated, was it in the power of the Magistrates, on the Sunday, to get such a posse comitatis? I am not aware, whether the Magistrates issued out any order to that end; there is only one thing I can fully state, that in going from the square to the Guildhall, I passed the Commercial Rooms, and I looked into those rooms, and being fully acquainted with the rooms and the nature of the assemblies there, I never saw the Commercial Rooms more full of respectable men, at any Exchange time, than I saw on the Sunday, at the time I passed by to go to the square.

Were you there when any of the Aldermen went to these Commercial Rooms, to entreat the gentlemen to come? I was not there; I heard the facts stated; I was not in the room; I merely looked in as I passed by.

I am desired to ask you:—You say that Mr. Serjeant Ludlow said, they had been deliberating a long while, and nothing was resolved upon, and it is time we should take care of ourselves, as it would soon be dark? Yes, it would be dark in an hour and a half's time, and it was necessary to take care of themselves.

That was all you heard? Yes.

Was Bristol very full of ships at that time; was the harbour very full of ships? Yes, I think it was.

The canal incloses a great part of the town? Yes, it does; there were many West Indiamen which had not sailed.

Mr. ISAAC COOKE, sworn.—Examined by Mr. SOLICITOR-GENERAL.

You are, I believe, a solicitor, residing at Clifton, with your office of business in the city of Bristol? Yes, I am.

Were you, on the 29th of last October, in Queen-square, during any period of the Saturday evening? I was.

Be so good as to state to the Jury, at what time you went into Queen-square? I went into Queen-square about 8 o'clock, and when I arrived there, I found that the doors and windows of the Mansion-house had been broken in, but the mob were completely subdued; there were military outside of the Mansion-house.

We do not want a minute description of the state of the Mansion-house; we have heard it from many witnesses. How long did you remain in the square? About an hour; I remained there till near nine.

What was the state of the square, as to the mob, at the time you left it? Quite subdued; you could pass and repass, with facility.

Then you returned home? I went to my office, in the city, and sent messengers backwards and forwards, to learn the state of things, and I afterwards left it entirely.

On Sunday morning did you receive any notice or intimation of a meeting of the Magistrates and inhabitants, to be held at the Guildhall? My eldest son came home, a little before twelve, and told me, that a meeting of Magistrates was to be held at half past three, and that they requested the gentlemen of the city to attend.

Did you attend at the Guildhall, and at what time did you arrive there? I arrived there exactly at thirty-five minutes after three,—exactly.

Did you go alone or in company with any other person? I took with me my eldest son, but he went round to get some other gentlemen, and I went with a friend of mine, a Mr. Mears; it was very wet and we went in a fly together.

When you arrived did you find any other persons there assembled? There was not any one at all. I first went into the small room, St. George's Chapel, and there was no one there then, but immediately afterwards, two of the Magistrates came in and two or three of the other gentlemen.

Did the number of persons after you arrived there increase? We adjourned immediately from St. George's Chapel to the Guildhall, and in a very few minutes afterwards the number of persons increased considerably.

Lord TENTERDEN.—Was the Mayor there? Not at first,—he came in in a few minutes afterwards.

Mr. SOLICITOR-GENERAL.—How soon after your arrival there, did you first see any of the Magistrates? At St. George's Chapel I saw two almost immediately, and at the Guildhall some of the Magistrates immediately came in; they came in before the Mayor.

Did any communication take place between yourself and the Magistrates you first saw, before the arrival of the Mayor? Yes, I stated to these Magistrates,—

Sir JAMES SCARLETT.—I beg to object to this evidence; the Mayor was not there.

Mr. ATTORNEY-GENERAL.—He is at the Guildhall, at the place where he is summoned by the Mayor, and he meets the other Magistrates: this is a part of the Guildhall, and he proceeds to get such information as he could from the other Magistrates.

LORD TENTERDEN.—He makes some statement of his own to other justices, in the absence of the Mayor, if I understand it.

Mr. Solicitor-General.—I have no wish to press the question. The Mayor comes immediately afterwards. Did the Mayor afterwards come to the Guildhall? He did.

Lord Tenterden.—He says the Mayor came.

Mr. Solicitor-General.—After the Mayor came, did any communication take place between you and the Mayor, or the other Aldermen present, in the presence of the Mayor? The Mayor, in taking the chair at the meeting, opened the business of the meeting by stating great regret at having to summon his fellow-citizens upon such an occasion; that the mob had been in possession of the city a considerable time; that they were then in the act of burning down the Bridewell, that they were supplied with weapons, sledge-hammers, crow-bars, and other weapons of that description, and that it was quite uncertain how soon they might come to the very place where we were then assembled, and destroy that also.

Upon that, did you make any observation to the Mayor? Yes, I did.

State what it was? I inquired of the Mayor,——

Mr. Justice James Parke.—Was that all that the Mayor said at that time? Yes; I then enquired of the Mayor what plan he proposed to the meeting; he replied, he had none; I then remarked I thought it a very extraordinary circumstance, that he, as the Chief Magistrate of the city, in whom the preservation of the peace of the city, in a most peculiar manner was reposed, should suffer the mob to prevail so long in the city, and then to call the citizens together, and inform them that he had no plan of operation to submit to their consideration. I think it was at that moment that Mr. Serjeant Ludlow rose, who was sitting immediately under the Mayor, and said, "with your permission, I will answer Mr. Cooke." Mr. Serjeant Ludlow then said, after referring to politics, and making some reference to politics, with which we had nothing to do, said, that every man must act on his own discretion, and upon his own individual responsibility. This excited some feelings of surprise in my own mind, and in the minds of those gentlemen immediately about me.

Sir James Scarlett.—You cannot tell the feelings in the minds of other persons? Only by their expressions; I immediately turned round to the gentlemen about me, and said, "there seems to be no other mode than that of going out ourselves, and seeing what can be done."

Mr. Solicitor-General.—Allow me to ask you, whether, at that time, any thing had been said that could lead to a supposed difference of political opinions? Not a word; I was the only person who had spoken at the meeting, and not a syllable had been said upon political subjects, by me, or by any one at all.

What further took place? The gentlemen about me quite concurred in opinion with me, that it would be a better plan to go out; and I then stated to the Mayor, if he would allow eight or ten of the military who were then parading up and down the street, to go with us, to cover us in case of any attack, as we had no weapons of defence, that we would go out, and see if we could not quell the riot, and get rid of the mob; the Mayor replied, hat he had no power over the military.

Was any military person then present? I then enquired who possessed the power over the military, he replied,—the military commander, of course: I then asked him if that military commander was in court.

Was present at the Guildhall, you mean? Yes, and he replied that he was; I then expressed my surprise that the Mayor should have omitted to get, at that meeting, the presence of so essential a person as the military commander himself, and I thought there was great want of attention to what was necessary, to carry any plan into effect, that might be proposed; the Mayor said, he would immediately send for Colonel Brereton, the commanding officer, which he did. Upon Colonel Brereton's arrival he was taken into the Magistrate's parlour, by the Magistrates, I believe, and

we were kept waiting a quarter of on hour or twenty minutes outside. Upon the door being opened, Colonel Brereton came out; I was close to the door, and I enquired what was the result, were we to have those men or not? and the answer was, that Colonel Brereton said, the men were too tired; they could not go with us. I then remarked, "I see the city is given up to destruction."

After this were you again called into the Magistrate's room, or did the Mayor, or any of the Magistrates communicate to you further, upon the object of the meeting? I believe not; I believe between the sending for Colonel Brereton and his arrival, we were in communication with them; but, after he came out, I never saw or heard from the Magistrates.

Was there any plan proposed, in your hearing, by the Mayor and the Magistrates? Nothing whatever.

Were any directions given? No, except what I have stated, that every man was to act on his own responsibility.

During the period you have been speaking of, how many persons do you conceive were present? By casting my eye round the hall, it struck me there were 200 persons in the hall, as nearly as I could tell.

Do you mean that it was the same parties throughout, or a succession of persons? Other persons came in; when the Mayor took the chair there were not 200 persons.

From what you observed of the conduct and the manner of those persons who were present, did you see any indisposition on their part to assist the Magistrates of the city? Quite the reverse, it was their anxious desire to do any thing: there were some of the very best men in the city there; I do not hesitate to say, that some of the very best men were there.

I presume you mean to state of all parties? Yes, of all parties, and men who would have done their duty; that is my feeling,—I have no hesitation in stating it.

Was any dissatisfaction expressed by persons then present, at the Magistrates not proposing any plan, or giving any directions? A great deal was said by the gentlemen around me, certainly; complaining certainly, and expressing an opinion, that we felt we were not protected as we ought to be.

Did that meeting then separate? Upon this communication being made, two or three of the gentlemen immediately about me said, "we have nothing to do but to take care of ourselves, and properties, and families;" but some of them said, I do not know who it was, "let us go to the Council-house, and see if something cannot be done there."

By this sort of adjournment to the Council-house do you mean, that any future time was fixed? No, instanter.

Did you then go to the Council-house? We did, a large body of us.

Was the Mayor there? I saw no Magistrate at all there, at the Council-house.

How long did you remain, at that time, at the Council-house? About one hour.

During that time was there a considerable collection of gentlemen? There were a great many men, from the top of the stairs to the bottom, and along the avenues, filled, and very great confusion, but no plan.

Lord Tenterden.—You saw no justice, at the Council-house? No, I saw none.

Mr. Solicitor-General.—When you quitted the Council-house, did the meeting generally break up? I was so out of patience with not seeing any thing done, I proposed to my Clifton friend that we should go into the city, and see if any thing could be done any where, and we quitted the Council-house about six o'clock, with that view.

Did you, at any subsequent time during that Sunday, go to the Council-house? Yes, I did.

State the time? About eleven o'clock at night.

Was it in consequence of any notice or intimation you had received that there was to be a meeting? No, none at all; I had intermediate notice that my own house was to be burnt down, and as soon as I had provided for that, I went down into the city to see if any thing could be done there.

Is the Council-house the place of ordinary meeting of the Magistrates of Bristol? Certainly.

On going to the Council-house, at eleven o'clock at night, did you see any Magistrate there? I could not get any admission: I rang and knocked a long time, but could get no admission.

Do you mean that the doors were closed? Yes, and I knocked at the door.

What did you do? I then stated to my eldest son, who was with me, we would go to the Square, and as we were going from the Council-house we met some gentlemen coming up, and they said that the mob were coming up into the city, to burn down the three principal banks in the city; and my office was next door to one of them, and if they were burnt my office must go too.

Did you, during that night, see any other fires? I saw the fires all round the Square and at the Palace.

Did you, upon any of those occasions, see the Mayor or any of the Magistrates? No, I did not; but I did not stay: those gentlemen stated that the mob were coming up to burn the banks, and that they were then going to Clifton, to destroy the property there.

Having gone home, you cannot state any thing further? No.

Cross-examined by Mr. Campbell.

Were you at the fire at the Palace? No, I was not.

You do not know whether Mr. Pinney was there or not? No.

At this meeting at the Guildhall, on the Sunday, if I understand you right, you took the principal part in the conference with the Magistrates? I spoke first, certainly; I believe I did.

You were first citizen, as it were? Not exactly.

Did you not make it a condition of your acting that you should have the co-operation of the military? Yes, most certainly; and I will state the reason why I wished to have eight or ten of the military.

I want to know the fact; I am not finding fault with you? I must be allowed to state my reason.

Did you not make it a condition that you should have the co-operation of the military? Certainly.

Lord Tenterden.—It stands so.

Mr. Campbell.—Did you not say, I will not go out without the military? I did, and I will state my reason:—I knew what a Bristol mob was by personal experience: in the year 1800, at the time of the riots, I was in the Bristol volunteer corps, and was called out to repress the mob, and we were pelted with brick-bats and stones, and if we had been unarmed, we should have been all smashed, and I felt it would have been folly to go out unarmed, without being covered and having some means of resistance. I can speak to another mob, where I was on duty; the moment they saw the volunteers, we dispersed the mob without firing a single shot, or doing any injury to the mob in the least degree; and that was the reason I did not choose to go out without the military: the mob were armed with crow-bars and sledge hammers, and I thought it absurd for us to go out without protection.

Was not that the sentiment expressed by others along with you? Certainly.

None of you would act without the co-operation of the military? Certainly.

Did not the Mayor say, that that could not be done—that you could not have the co-operation of the military, without the consent of Colonel Brereton? Yes, he said that.

And Colonel Brereton, being sent for, said that the troops were too fatigued to act? That was the answer given; we did not hear it from himself.

It was that which caused the dissatisfaction you have described? Yes.

You say it was proposed to go to the Council-house; did not the Town-Clerk ask the question whether the Guildhall or the Council-house would be the best place to make a stand in against the mob? Not in my hearing.

Do you recollect a Captain Cook being present? No, I did not see him.

You do not recollect that being said? No, and if it had been, I think I should have heard it. I was backwards and forwards during the interval of Colonel Brereton being sent for, but nothing of that kind passed in my hearing.

Was not Colonel Brereton present when, after the conference between him and the Magistrates, the Mayor declared the troops were too much fatigued to act? No, Colonel Brereton and the Magistrates were together in the parlour, the door was shut, and we were outside. Upon the opening of the door ColonelBrereton came out,and I immediately put the question, what is to be done?

To whom did you put it? To all just within the door.

Was Colonel Brereton present? He heard me, I have no doubt.

Did he not hear the Mayor's answer? I do not know whether he did or not. I think it is not unlikely: he was passing on; it was quite momentary; it is very likely he might.

Did you not hear the Town-Clerk say to Colonel Brereton, he would report it to the Horse-Guards? No, certainly not; no such statement was made in my presence; certainly not.

Mr. HENRY CHIDGEY QUINTON sworn.—Examined by Mr. Coleridge.

Were you a timber-factor, residing in Queen-Square, in October last, during the Bristol riots? Yes.

At that time were you churchwarden of any parish? Of St. Nicholas.

Is that a large or a small parish? It is a middle sized parish.

Do you remember on Sunday, the 30th, about eleven o'clock, receiving a note or notice from the Mayor? I did.

In consequence of that did you take a muster of the persons in your parish who would act as constables? I consulted with a number of them about coming out to stop the riots in the city.

After having done that, did you see the Mayor? Yes, I did.

Where was it? At the Guildhall.

About what time? Between two and three o'clock.

Were there other Magistrates present with him? Yes, there were, but I had no communications with them.

What did you state to the Mayor, about the number of persons in your parish? I stated that I could muster from seventy to one hundred, if we were allowed to carry fire-arms.

At the time you were making your communication, did you see other persons, apparently churchwardens, doing the same thing? There were numbers round me; I did not know their business.

Did you hear their communications? No, I did not.

When you told the Mayor you had this number, what was his answer? He told me he could not authorize us to carry fire-arms: he considered if we did we ran the risk, if we shot any person, to be tried for it.

That who would be tried for it? The parties that shot.

Did he offer to supply you with any other weapons? He said that we were allowed to carry staves.

Was there any proposal made to supply you with staves? We had plenty of those in the parish ourselves.

Mr. Justice LITTLEDALE.—You had some staves yourselves? Yes, in the parish.

Mr. COLERIDGE.—Upon this answer from the Mayor, did you leave him? I did.

Were you in Queen-square in the course of that Sunday night? Yes, I lived there.

Were you there the whole of the night? Yes.

Were you moving about or in your own house? In my own house.

Could you see about the Square where you were? Yes.

Which side of the Square were you? On the left side; the East side.

On which side of the Mansion-house? On the left side of the Mansion-house.

How near to the Mansion house? About eighteen houses from it.

Did you, in the course of that night, or at day-light in the morning, see any interference of the Magistrates? Yes, I did; I saw Mr. Alderman Camplin.

At what time did you see him? About five in the morning.

Was that shortly before the military entered the Square? It was three hours before.

What was Alderman Camplin doing? He was walking about, talking with different parties.

Were you near enough to hear what he said? No.

What class of persons was he talking to? The respectable class.

Cross-examined by Sir JAMES SCARLETT.

You reported to the Mayor that you had seventy persons ready to go out if they were allowed to carry fire-arms, and you have stated his answer; did you report that answer to the persons that they might go with staves? I did.

Did they refuse to go? They did.

Suppose you could have got a party of the military to have gone with you, would you have gone with staves? Yes, certainly we should.

Then none of your people went? None went.

JOHN STOCK was called.

Lord TENTERDEN.—It is five o'clock.

Mr. CAMPBELL.—Yes, my Lord, it is past five.

Lord TENTERDEN.—We had better adjourn.

[Adjourned to ten o'clock to-morrow morning.]

THIRD DAY.—SATURDAY, October 27, 1832.

The Jury were called over and were all present.

THOMAS HAYMAN sworn.—Examined by Mr. SHEPHERD.

Are you a Chelsea pensioner? Yes.

Are you residing at Bristol? Yes.

Were you so last October? I was.

On Sunday, the 30th of October, did you attend at the Guildhall? I did.

Was that in consequence of a notice you received for that purpose? Yes.

About what time did you go there? About ten, I believe—I must have been there about half-past ten.

Could you get in? No.

Were the doors closed? Yes, the doors were closed and the window shutters closed.

Were there any other pensioners there in attendance? Yes, there were about five or six that I knew of.

How long did you remain there? About three-quarters of an hour, I cannot directly tell to a minute.

Did you then go to the Council-house? Yes, I did.

With the other pensioners? Yes.

Could you get in there? No, not at all.

How were the doors? The doors were closed.

How long did you remain there? Not very long, when we found it closed we withdrew and went to the Council-house back again from the Guildhall.

You just now said you went from the Guildhall to the Council-house? From the Council-house to the Guildhall. We first went to the Council-house.

It was the Council-house you first went to, and afterwards the Guildhall? Yes.

How long did you remain at either of those places? About three-quarters of an hour between the two.

During that time was there any person there to give you directions or orders? No, I never see none.

About three o'clock the same afternoon did you go again to the Council-house? I did.

Mr. Justice J. Parke.—You went away home? Yes, I went away home.

Mr. Shepherd.—What did you do when you came to the Council-house at three o'clock? We found that the Council-house was closed the same as it was in the morning.

Did any gentlemen come there at last? I see none.

How long did you remain there? We remained there, I suppose, a quarter of an hour, or thereabouts, I am not exact to a minute.

How many men were there, pensioners? There were four there besides myself that I knew, but there might be more, but I knew no more than the four by sight that were pensioners.

Were there any other persons there? There were some, but I cannot say whether they were pensioners or not.

Were there many persons? A good many people going backwards and forwards.

Did you know of any other place to go to, to have directions for acting? Yes, we went from there to the Guildhall again, and at eight o'clock we went back to the Council-house, and I rang the bell and asked whether they would be kind enough to tell me where any of the Magistrates were to be found for that we had orders to attend.

You rang the bell? Yes, I rang the bell, and some person, I cannot tell who it was, came, and I asked whether he would be kind enough to tell me where any of the Magistrates were to be found; he told me to go down to the Guildhall-chambers, and there I might find some; we went to the Magistrates in the room.

Mr. Justice J. Parke.—Is the Guildhall-chambers the same building as the Guildhall? I believe it belongs to it, but I am not positive.

Mr. Shepherd.—Do you know whether there is a communication between them? I cannot say.

You went there? Yes, I did.

Did you see the Magistrates there? Yes, we did.

Lord TENTERDEN.—Was the Mayor there? I do not know—he might be, but I did not see him.

Mr. SHEPHERD.—Did you receive any directions there? Yes, we were ordered by Mr. Alderman George Hilhouse to go to the Commercial Rooms and meet some gentlemen there; there were five pensioners in number.

Were any arms asked for? They were.

At this place, the Council-house? Yes.

Who asked for any? We unanimously asked, I believe, together.

Lord TENTERDEN.—By we, you mean yourself and the other pensioners? Yes.

Mr. Justice LITTLEDALE.—Did you ask that at the Guildhall chambers or the Commercial Rooms? At the Guildhall chambers.

Mr. SHEPHERD.—What answer was given to that? He said he had none to give us.

You went, I believe, to the Commercial Rooms? We did.

What directions did you receive there? That the gentlemen were gone down to the Gaol, and we must follow them there.

Did you go to the Gaol? No, we went as far as the bottom of Prince's-street, near the bridge, and there we met with the late Mayor, Mr. Savage, and we asked him, as we had been told by the Magistrate to attend, what he thought best to do.

Sir JAMES SCARLETT.—I have no objection to this.

We asked himwhat we should do, and he told us we were of no use, but that we might be wanted to-morrow.

What did you do then? We went back to near where the Excise Office was, and there we met Mr. Lawrence, who had sent the order to the pensioners, and we told him what we had done,

Did you go home? I did.

Did you attend the following day, Monday? Yes.

About what o'clock? About three o'clock we were ordered to attend.

Lord TENTERDEN.—In the afternoon? Yes, in the afternoon.

Did you attend on the Monday in the afternoon, in consequence of a general notice? Yes.

Had there been such a general notice on the Sunday? No.

Cross-examined by Sir JAMES SCARLETT.

What do you mean by general notice on the Monday? It was a bill stuck up for the pensioners to attend at three o'clock in the afternoon at the Guildhall.

Who was Mr. Lawrence you had the notice from on the Sunday? He belongs to the Excise Office.

He told you to go to the Council-house, did he? He did not tell us, but we had orders for the different pensioners; we called on one another, and we were told to go there as quick as possible.

That was on Sunday morning, was it? Yes.

In consequence of that you went to the Council-house? Yes.

You think there were about five of you? Yes, five that I knew.

I will not make you repeat what you have said. You were about three quarters of an hour before you found the Magistrates were in the Guildhall chambers? No, I beg your pardon, that was in the afternoon that the Magistrates were in the Guildhall chambers.

It was in the afternoon you rung the bell? Yes.

You did not ring the bell in the morning? No.

Did the same men assemble, the same five, the same four beside yourself? I cannot say as to that; two were with me, one went towards Queen-square, and another towards Broad-street; there were some fresh ones in the afternoon.

When you went to the Commercial-rooms, did you find any body there? I found a great many gentlemen reading the papers; they asked me what I wanted; I told them I was directed by the Magistrates to attend there from the Guildhall.

They told you the gentlemen were gone? They told me the gentlemen were gone to the Prison.

Who were gone? That the gentlemen were gone.

Were there no gentlemen left there? There were some gentlemen there, reading the papers.

Did you find a good many reading the newspapers? I believe there were, but I did not take particular notice.

Did you observe many? I do not know exactly how many there were; I saw some standing there reading the papers.

Is the Commercial-room a large room? A long room, and wide, as far as I could see.

You went down towards the Goal; there you met Alderman Savage, you say? Yes.

Coming from thence? Yes.

Any body else coming from thence? Yes, there was one gentleman who was bleeding, and all over mud.

And other persons, were there not, besides? There was more, I cannot tell exactly how many.

How near did you get to the Gaol? I suppose three or four hundred paces, thereabouts, I cannot exactly say, to the spot, but it is very handy.

Did you see any other persons besides Mr. Savage? The dragoons coming backwards and forwards, and there were plenty of people hurraing, and making a noise.

You saw some dragoons parading backwards and forwards? Over the Bridge, and back again.

Was that all they were doing, parading? They were going there and back again, that is all I can say.

That you saw? Yes, I saw them come down, go over the Bridge, and back again.

That is, go over the Bridge to get to the Gaol, and back again? Yes.

How long did you stay to see that? In the evening, about five o'clock.

You continued looking on? Yes, I waited there, waiting for other orders.

Alderman Savage, and the gentlemen with him, went on? Yes.

And they told you it was no use your coming down, it was too late? Yes,

Then you staid till five o'clock? Yes.

You saw the dragoons parading backwards and forwards? Yes.

How long did that take? I cannot say.

Did they stay all the time you were there, or not? They went over, came back again, and when they came there was a great deal of cheering.

Who cheered? The mob.

I am now asking you about the dragoons, not the mob; did the dragoons come back from the island, and go away, before you did? Yes, they did.

Lord Tenterden.—Those were the third, I suppose?

Sir James Scarlett.—They were the 3rd dragoon guards? Yes.

How long do you think the dragoons staid in the island? I cannot positively say; it might be half an hour; I cannot positively say; it is a thing I am not acquainted with; I did see them come back again.

Do not be in a hurry, let me see whether I understand you right; while you staid you saw them go clear away? Yes.

Was the mob shouting while the dragoons were in the island? Yes.

Very loud? Not very loud.

Of what number of persons, according to the best of your judgment, did they consist? That I cannot inform you; I was, I suppose, four or five hundred paces off.

I dare say you never counted them? No.

But you could tell whether there were fifty or five hundred, or a thousand? How could I tell? I did not see them; I was a little way off.

Could you judge from their shouts whether there were a great number of men? Yes, there were.

If one sense will not serve you, another may: you heard great shouts? Yes, and knocking and hammering.

There must have been a great number, then? Yes.

That was whilst the dragoons were upon the island? Yes.

When the dragoons came back, and went away, did that shouting continue? Yes, it did for a while.

Did you hear any increased shouting, or what we call cheering, when the dragoons went away, over the bridge? I cannot be positive of that.

There you staid till five o'clock? Yes, I did, at the corner of the street where the Excise-office is, at the same place where the Excise-office is, running in from Prince's-street to Queen-square.

At five o'clock you went away? Yes.

JAMES WOLFE sworn.—Examined by Mr. SHEPHERD.

Are you a Chelsea pensioner? Yes.

Were you at Bristol on Sunday, the 30th of October last? Yes.

Did you attend at the Guildhall, in the morning? On Sunday morning.

Was it the Guildhall, or the Council-house you first went to? There was a direction left for me, at near eleven o'clock; when I returned to my lodgings there was an order left for me, and other pensioners, to attend at the Guildhall.

You went there at eleven o'clock? I went at eleven.

Did you meet many other pensioners there? Many.

Were you in common clothes, the sort of clothes you wear now, or in military dress? I had no particular dress.

Was there any thing to distinguish the pensioners from other persons, in their dress? Nothing.

Could you get into the Guildhall? No.

The door was closed, was it? Yes.

How were the windows? The windows were as usual.

Sir JAMES SCARLETT.—You had better have no mistake about that—there were no windows in the Guildhall, I believe.

Mr. SHEPHERD.—There are windows in the Guildhall? There are windows in the Guildhall.

How long did you remain there? Near an hour and a half at that time.

During that time was there any person to give you directions? None whatever.

Did you go away, and return again? I went away for three quarters of an hour, and then returned.

When you returned the second time, were the doors closed? At all times whilst I was there.

Was there any person there to give you directions? None; I then went to the Mansion-house.

What happened there? I went there to offer my services, but things were quiet.

Lord TENTERDEN.—Did you say that things were quiet when you got to the Mansion-house? There was no mob, no rioting then, but there were a number of constables there and other parts of the place.

Sir JAMES SCARLETT.—At what time was that? I am not certain of the time, but I believe about mid-day; I cannot be certain to the time.

Mr. SHEPHERD.—Did you receive any directions at the Mansion-house? I wanted to get admission, but could not get in. I asked whether there was any one there to give directions to the pensioners. I asked whether there were any pensioners there; I saw some inside, and I asked leave to go in, but was refused, and one of the police-officers told me I had better be in readiness as I should be called on.

Do you know how many pensioners there were at Bristol at that time? There were some marines, and some sailors, and some Chelsea pensioners; I cannot say the whole number, but I believe of Chelsea pensioners between two and three hundred.

Had it ever been usual to call out the Chelsea pensioners on occasions of tumult? On one occasion, I believe a Government order; we were desired to attend at the Excise-Office, and we were desired to place ourselves under the directions of the Magistrates.

Had it been usual, on former occasions of tumult, to call out the pensioners? I never know it but once before, when we had orders to attend.

Was that at a time of riot? I cannot recollect what it was for; I believe it was in expectation of a riot; it was an order from Government to act under the orders of the Magistrates.

Besides the Chelsea pensioners, were there other pensioners in Bristol? Yes, there were other pensioners in Bristol.

Were you out on the Monday? On the Monday I was out.

How many pensioners were assembled then? There was a placard.

Never mind that; how many pensioners were assembled then? There were more than a hundred; there were a hundred embodied.

Was that in consequence of a public notice that was posted up? In consequence of a public notice I attended.

Was there such a notice as that either on the Saturday or the Sunday? No.

Cross-examined by Sir JAMES SCARLETT.

What age are you? I am sixty.

How long ago is that time you remember when there was an order for the Chelsea pensioners to come out and attend the Magistrates? I cannot speak to the time.

Not exactly? A few years.

What was the riot expected? It did not concern me, and I obeyed the order I received; I did not take notice of the time.

My good friend, I do not want you to prove any thing you did not take notice of, but I want to prove whether the order came before the riot? Long before the riot.

The riot had been expected? I believe there might be an expectation; such an order came.

It came from the Government? Yes, that came from the Government.

You had no order of that kind this time? The order, I believe, was from the Excise-Office, on Sunday morning: when I supposed it to come from the Magistrates, it came from the Excise-Office.

You will not swear that the Chelsea pensioners were ever ordered before the Sunday? We had orders once before to attend the Magistrates.

That, you say, was some years ago? A few years ago.

Did you go, upon that occasion, to obey the Magistrates? Certainly.

Was there any riot? I do not know any thing about that; I can only say that such an order came through the Excise-Office, and we went to the Excise-Office, and had our names enrolled, to be ready to be called on at any time.

Re-examined by Mr. ATTORNEY-GENERAL.

From whom did you receive the order last year? From Mr. Lawrence; he order was left at my house by a gentleman of the name of Alsop, I think.

Is Mr. Lawrence an Excise-Officer? Yes.

Some years ago, when you received a similar order, was that also from the Excise? Yes, from the Excise.

Do you know any thing more about it than that? Nothing more than that the order came of the tenor I have mentioned.

You receive your pensions through the Excise? We receive our pensions from the Excise.

Mr. Justice J. Parke.—What number were assembled on the Sunday morning? They were scattered in the street, having no one to direct them.

How many did you see? There might be between twenty and thirty.

JOHN NORRIS KEEGAN sworn.—Examined by Mr. Wightman.

In October last were you clerk to Messrs. Hare's, attorneys at Bristol? Not a clerk; I was in their employ.

Not the attorneys, I understand, but Messrs. Hare's, the floor-cloth-manufacturers? Yes.

On the Sunday did you go to the Guildhall? I did.

At what o'clock did you go? From half-past four to twenty minutes to five.

Lord Tenterden.—In the afternoon? Yes, in the afternoon.

Mr. Wightman.—When you got into the Guildhall, did you find any persons waiting there? I did.

About how many? I should suppose from twenty to thirty.

What did they appear to you to be doing? They were doing nothing.

When first you went to the Guildhall, did you see the Mayor or any Magistrates? I saw no Magistrate.

How long did you wait there before you saw a Magistrate? I suppose about five minutes.

Where did you see a Magistrate first? In the Guildhall, coming from one of the doors—the door which I entered.

Who was that? Mr. Pinney, the Mayor at that time.

When Mr. Pinney entered, was there any cry or observation made by the people who were present? There was some observation made previous to his entry.

When he entered, was any cry made? "The Mayor"—"the Mayor," was cried by several persons.

Did the Mayor then address the persons who were assembled? He did.

Tell us, as nearly as you can recollect, what he said to them? He said, "Gentlemen, we have come to no decision; I will do any thing you can devise, with the exception of calling in the military; they have rendered themselves obnoxious by firing upon the populace, contrary to orders, and confident I am that if they were again called in, every one would be sacrificed before the morning: I will do any thing you wish, with the exception of calling in the 14th, which, I am sure, if they were called in, every one would be murdered before the morning, and I do not wish to endanger the life of any person: I will do any thing, or go any where with you, gentlemen." The Mayor then left the Guildhall.

I believe you went away too? I went away too.

Mr. Campbell.—I have no question to ask.

Mr. ROBERT MORRIS sworn.—Examined by Mr. Wightman.

Are you one of the managers of the Branch Bank of the Bank of England at Bristol? I am sub-agent.

Is their Bank in Bridge-street? At the top of Bridge-street.

On Sunday morning were you at church? I went to Saint Maryport Church with my family.

Was any notice given you there to attend at the Guildhall? Notices were handed round to the different pews by the door-keepers.

To do what? To attend the Magistrates at the Guildhall.

Did you go to the Guildhall? I did not.

Where did you go? I went home to the Bank.

For what purpose did you go to the Bank? To take measures for its defence.

Was there much money and property in the Bank? There always is.

Was there then? Yes, certainly.

To what amount?

Lord Tenterden.—Why should you ask that—of what use can it be?

Sir James Scarlett.—I dare say Mr. Pinney did not know how much there was.

Mr. Wightman.—Did you go from the Bank to the Guildhall? Afterwards; after taking measures for its defence.

About what time did you get there? To the best of my recollection about one o'clock.

Did you see the Mayor there? I saw the Mayor coming.

Did you see any other Magistrate? Mr. George Hilhouse was pointed out to me as a Magistrate; I sought the Magistrate.

Did you make any application to him? I stated to Mr. George Hilhouse the object of my coming there.

What was the object? That I was alone, in charge of a considerable property, which I apprehended might be endangered by an attack of the mob, and that I wished for the protection of the Magistrates. Mr. George Hilhouse was at that time, I should say, leaving the Hall.

Did he refer you any where? He introduced me, very courteously, into the Magistrates' room, after some conversation.

Did you go into the Magistrates' room? I did.

Were any of the Magistrates there? There were several.

Who were there? Mr. Sheriff Bengough, Mr. Alderman Daniel, Mr. Alderman Goldney, and one or two others, whose names I do not know.

Did you apply to them for assistance? I addressed myself to Mr. Sheriff Bengough, with whom I had some personal acquaintance.

I believe you wished for assistance? I did, in case of attack only: I applied to Mr. Sheriff Bengough, stating that I apprehended that we might be attacked, and requesting, in that case, that they would send some assistance to the Bank.

What answer did you get? Mr. Sheriff Bengough replied—"We have no means; you must organize some means yourself;" or some words to that effect, as nearly as I can remember.

Did you then leave the Guildhall? I did not.

How soon did you leave the Guildhall? Mr. Alderman Daniel then came round and spoke to me upon the subject of my application.

Did you get any assistance? I got no assistance—I was told the troops were withdrawn.

Sir James Scarlett.—You had better have the whole which passed,—not a part.

Mr. Wightman.—Certainly.

Mr. Alderman Daniel rose from the table and came round to the fire-place; he entered into conversation with me upon the subject; I stated to him again how I was situate, that I was alone in charge of a very considerable property, and felt great apprehension that the mob might attack the Bank, in which case I trusted, that some assistance might be sent. Mr. Alderman Daniel replied, "you are entitled to our protection," or "we are bound to protect you," or words to that effect, "but we have no means, the two troops of the 14th dragoons have been ordered to leave the town by Colonel Brereton." I expressed my surprise at the departure of the troops at such a time.

Alderman Daniel replied, that it was thought the irritation would subside if the two troops of the 14th were withdrawn. I stated, that I hoped they would not be far off. He said, that it was intended that one troop should be sent to Brislington, and the other to Keynsham; the one a village within two miles of Bristol, the other five or six. He enquired what arms I had. I told him I had two blunderbusses and two pair of pistols. He said, "you are better provided than we were at the Mansion-house yesterday." He recommended me to make no shew so as to attract mischief—so as to attract the mob; and with that I left the room.

Did you go to the bank? I went to the Commercial-rooms after this; finding I was not to expect assistance from the Magistrates I went to the Commercial-rooms to see what assistance I could get among my own friends there.

Did you find a number of gentlemen there? There were.

Did you get any friends to assist you? I had one friend promised me a number of his men.

Did you take them to the bank? Not at that moment,—they promised to attend in the evening.

Did they come in the evening? They did.

Did they remain with you during the night at the bank? The greater part of them the whole night.

During the whole of that night was there any communication made to you from the Magistrates? Not any.

Did you go out yourself during the night to see what was going on? In the course of the night once or twice, indeed oftener, now I remember, for I removed some of the books,

Did you see numbers of people passing and repassing? Yes, I did.

Lord Tenterden.—That has been put over and over again.

Mr. Wightman.—I ask this with an object, my Lord. Did you hear anything about the bank? Many persons told me they had heard the bank threatened.

Did you hear any thing yourself about the bank? I did, from the mob outside.

Cross-examined by Sir James Scarlett.

How many persons did you procure to come to you in the evening? That came to the bank?

How many came? I had altogether six or seven, besides six or seven men stationed in the lower part of the premises, who were sent by one of our customers,—one of our friends.

The Rev. Dr. CARPENTER sworn.—Examined by Mr. Attorney-General.

I believe your name is Lant Carpenter? It is.

Are you the Unitarian minister at Bristol? I am.

How long have you resided there? Ever since the year 1817.

Are you well acquainted with the Miss Vigors who occupied the house next but one to the Mansion-house? They are members of my congregation.

And you are well acquainted with them? Perfectly.

I believe you slept at their house on the night of the 29th? I slept for the purpose of assisting them in case of the Mansion-house being on fire; they are orphans, and one of them long confined to her couch.

Did you do duty at your chapel on Sunday? On Sunday morning.

Did you receive notice to attend at the Council-house? I was requested by some members of the congregation committee to come into the vestry before sermon, and they then gave me a notice from the Magistrates to attend at the Guildhall.

I do not know whether they desired you to read it to the congregation or not? I am not sure whether they did or not, but I said I should do it; I shortened the sermon and then read the notice I had received.

Did you call upon them to attend? I have no recollection that I recommended them to attend, but I recommended that all the congregation who were not engaged in duty should keep in their own houses; that the lower classes should do every thing in their power to promote the peace of the city; and in particular, that they should keep their children in their own houses carefully during the remainder of the day; that there would be no service that evening on account of the disturbed state of the city.

At some time after that, did you go to the house of Miss Vigors? I left my own house about two o'clock, in order to go to Miss Vigors.

Did that take you near the Bridewell, or did you go that way? No, I passed the Drawbridge.

Did you see any mob going towards the Bridewell? Coming down from the Bridewell in Clare-street; they were coming down Clare-street.

Was that in the direction of the Gaol? They were coming down Clare-street and entered Marsh-street in the direction of the Gaol.

Where did you go upon seeing that mob? I made the best of my way to the Mansion-house, hoping that I should there find some Magistrates to whom I might communicate the information of what I had seen.

Did you see any Magistrate there? I obtained admission from some of the gentlemen, the young special constables who were on duty; I was told that a Magistrate was in the house, and with a gentleman then on duty, I went into various rooms up stairs, but we could find none.

Were there any special constables there? A small number.

Did they desire you to take any message from them to the Magistrates? I then learned from them that the Magistrates were likely to be found either at the Council-house or the Guildhall. I said, I was about to go up to communicate information of what I had seen, and offered to take any message they might have to send.

Did they charge you with any message? They requested me to state, to any Magistrate I might see, that they were in great difficulty, not knowing what they were to do, in case they were attacked.

Where did you go, in order to find the Magistrates? First of all to the Council-house, which was in my way to the Guildhall; but the Council-house was completely closed, doors and windows; and then I went on to the Guildhall, the doors of which I also found closed; but I was told, that if I would go through the passage below the great door, I should come into the Guildhall-chamber, and that there I should find some Magistrates.

Did you take that course? I did.

You were told so by somebody at the door? By bystanders, standing in Broad-street, in the front of the Guildhall.

Did you find any Magistrates, in any of the rooms there? I went into a room, where I was told the Magistrates were,—a large room, rather dark, and a light at one end; a number of gentlemen were there—I should think, from ten to fifteen, most of them sitting; one of them alone I recognized as a Magistrate; but I was not so well acquainted, at that time, with the persons of the Magistrates, as such.

Did you state any thing to them? My immediate object was to communicate what I had seen.

Did you do so? I stated to them what I came for, principally respecting the mob I had seen going to the Goal; it was, however, to one individual, Mr. Sergeant Ludlow, the Town-Clerk.

What did you tell him? I told him I had seen a mob going towards the Gaol; he told me they knew it; that they knew that the Gaol was about to be attacked, or words to that effect. I then said, I had done my duty; a

gentleman at the table said, "we hope you will do what you can to promote the peace of the city." I stated what I had done in the morning, immediately after service.

At your chapel? Yes, and that I had spoken to all the children of our schools, which are numerous, insisting upon it that they should not, on any account whatever, be seen in the streets that day, and that if they were, they should be expelled the school; and the other circumstances I have already mentioned. The gentlemen thanked me, and I was leaving the room, but recollected the message from the young men at the Mansion-house, I came back immediately, and spoke to Sergeant Ludlow alone; I stated to him the circumstances of the Mansion-house, and the message I had received there.

Did he repeat aloud what you have stated? He repeated aloud to the gentlemen present; he said, Dr. Carpenter has said so and so.

Was any thing said then? A reply was made by some of the gentlemen at the table, that two of their number were gone to the Gaol; the names were mentioned, but I forget them, and that there were not a sufficient number there to form a quorum, if any went to the Mansion-house.

Lord Tenterden.—Was the Mayor there? I did not see him, and I think I must have seen him if he had been there.

Mr. Attorney-General.—Did you take that message to the Mansion-house? I asked if I should take that information, and I was told that I should, and I immediately went.

And stated what had passed? And stated what had passed; I also told the young special constables there, that there was about to be a meeting at the Guildhall; that I should go up again in about half an hour, and that I would carry any further message from them, and would call for the purpose.

Did you do that? I went, first of all, to my young friends, but found they were removed to a place of safety; I remained there about half an hour, and then went to the Council-house.

Lord Tenterden.—By your young friends you mean the Miss Vigors? Yes, I went again to the Mansion-house, and was charged with a repetition of the message, only more earnestly; this was about half past three o'clock.

Mr. Attorney-General.—Did you go to the Guildhall? Immediately.

Did you go to the Magistrates? I went to the Magistrates' room in the first instance, and I found two gentlemen conversing; I presumed one of them to be a Magistrate; and I informed him what had been stated at the Mansion-house.

Lord Tenterden.—From the Mansion-house did you go to the Guildhall, or the Council-house? The Guildhall.

Mr. Justice Littledale.—You told them you had brought that message from the Mansion-house? Yes, and one of the two gentlemen replied, "then they must come up here." I then went into the principal room, the Guildhall itself, I believe; I had delayed some time in the anti-room, not being aware where the meeting was to be held, and a considerable number of persons were present. It was at the beginning of the meeting; there might be from 150 to 200, I believe; the Mayor came in after I came into the Hall; at any rate I did not see him there, at the time I came in.

Were any directions given to the persons present what to do? At the close of the meeting it was stated that——

Lord Tenterden.—Did the Mayor appear there? The Mayor was there; presiding at the meeting as Mayor; the only directions I heard were, that it might be well to defend the Council-house, and that there were 200 staves in the house, which gentlemen might take who would go there.

Do you recollect who said that? I am not certain; at present, it appears to me that it was Serjeant Ludlow.

Did you go home from the square? I did.

In the course of the night did you see any thing of the Bishop's Palace? Nothing more than seeing it burst out in flames.

Did you call at Mr. Sheriff Lax's, in the course of the night? I called there, about eleven o'clock.

Cross-examined by Sir. JAMES SCARLETT.

I observe you were at Miss Vigor's; you saw the operations of the mob during a part of the Saturday evening? The Saturday evening I did.

Did there appear to you to be any leaders amongst them? I did not see any at that time.

At any time? In the way to the Gaol, between the Bridewell and the Gaol, it appeared to me, from the compactness of the body, and the rapidity with which they moved, that there must be leaders, but I did not see any; I was at too great a distance.

The Rev. FRANCIS EDGEWORTH sworn.—Examined by Mr. ATTORNEY-GENERAL.

I believe you are a Catholic Priest at Bristol? I am.

On Sunday, the 30th of October, did you receive at your chapel any notice to attend anywhere? I did.

In consequence of your receiving that notice, did you go to the Guildhall? I did.

Did you go alone, or some gentlemen with you? The Rev. Mr. O'Farrell accompanied me to the Guildhall.

He is another priest? He is.

You went to the Guildhall, did you? I did.

Did you see Dr. Carpenter there? I did.

Any of the Magistrates? Several,—I think four or five.

Did you hear Dr. Carpenter communicate a message from the men at the Manston-house—the constables there? I did.

Was any answer made to it? A reply was made by, I believe, a gentleman who is solicitor to the Corporation of Bristol.

Mr. Burges, I believe? Yes, by Mr. Burges; not by the Magistrates; no reply was made by any Magistrate, I believe.

What was it Mr. Burges said? Dr. Carpenter said he had just come from the Mansion-house, where he had seen many young men, I think he said, who appeared to him to be much dispirited, not having the presence and guidance of a Magistrate, but not exactly in those words—that was the import.

What did Mr. Burges say? He said "the Magistrates cannot be everywhere—two are gone to the Gaol, and there are not more here than are sufficient." I am not sure that the next expression was what Mr. Burges used, but the sense is, there are not more here than sufficient to form a quorum; the impression upon my mind is, that those were the very words he employed.

Do you remember whether Dr. Carpenter said any thing to that? It appeared to me he was somewhat disconcerted, by the manner in which the message had been received; and he observed, it appeared to him an important communication at such a moment, and that therefore it was his duty to make it; seeming to me to apologise for having intruded the observation.

Did he so apologise? It seemed to me, from his manner and the reply.

What was the reply of Mr. Burges? "We thank you."

Did you make any communication to the Magistrates when you went there? I did not.

Had you gone with the intention of doing so? I had gone with that intention.

Why did you not? In the first place, it appeared to me, that there had been a meeting before we arrived there.

Did any thing that passed at that time induce you not to make the representation? Yes.

Sir James Scarlett.—Hear the whole that happened. He says there had been a meeting.

Mr. Attorney-General.—Will you go on? It appeared to me that I had not arrived at the proper moment; either too soon or too late—that in part weighed with me in not addressing myself to the Magistates; but I was still more influenced by the manner in which it appeared to me the observations of Dr. Carpenter had been received by the Magistrates.

The Magistrates saying nothing, and Mr. Burges speaking in the way you have mentioned, you left the Guildhall, I believe? I left the Guildhall. I do not know whether it is necessary I should observe that I was influenced too, in part, because I did not see the Mayor there, to whom I thought I could, with greater chance of receiving attention, make any proposition which occurred to me.

After that, did you go to the end of Bridewell-lane? Yes, some time after.

Was there any mob there at that time? Yes, in the act, as it appeared to me, of removing the gates.

Could you form any judgment how many that mob might consist of?—The persons within my view I think did not exceed150; I am inclined to think perhaps half that number. I think I may safely say not 150; they were not so numerous in the narrow place, as to deter me, if I had occasion to pass through, from going through there.

What sort of persons were they? They were, in appearance, of the poorest class, and the most ill-conducted.

Were they young or old? Chiefly young; I should say, chiefly under 20.

Did you see any females? I do not remember.

I understand you to say, that you thought they were such a mob as a person might pass through? I should have had no hesitation, in passing through, if it had been the nearest way to any of those gentlemen whom I was now seeking, as influential men, to receive the proposition I had omitted to make to the Magistrates.

Supposing any constables had been there, what number do you think might have coped successfully with such a collection of people? If it was my profession to act in that capacity, I should not have been afraid to have been there with a dozen constables.

You believe that twenty constables, armed with staves, might have resisted that mob? In a few seconds I think they might have cleared Bridewell-passage. I think they might have cleared the whole place.

Did you afterwards go to Queen-square? I did.

Did you go near the Mansion-house while any rioting was going on? There was no rioting going on, when I passed.

At what time was that? I think between three and four o'clock.

Were there persons there? There were persons there, evidently prepared to seize any opportunity that negligence might give them.

Were they of a low class of people? Yes, they appeared to me to be sailors, and such men as are employed in the port of Bristol.

How long did you remain? A very few minutes at that time.

Did you see any constables or police there at that time? I do not think I did at that time.

A person of the name of Vickery? Not at that time; I saw six or seven of the 3rd dragoon guards, which appeared quite sufficient to keep down such appearance of mob as there theu was.

How soon after that did you go the second time? Between four and five perhaps—an hour after that.

What was the state of things then? There was a larger number of persons in Queen-square, spectators, and from the gestures and occasional expressions of some twenty or thirty men near the Mansion-house, I saw that things were growing worse, that there was evidently an intention of making an attack on the Mansion-house, and I concluded, as they had already destroyed the furniture, the purport now must be to set fire to it.

Was there any violence going on at that time, except in words? No violence. I saw men making balls, which it appeared to me they intended to use for the purpose of setting fire to the Mansion-house.

Of some combustibles? Yes, tow and pitch, and very significantly holding them up to the people and to the soldiers,—one or two men very much so indeed.

Were there any constables there at that time?

Mr. Justice J. Parke.—At what time was this? About half-past four.

Mr. Attorney-General.—Were there constables there at that time? I saw none acting as constables, but one whom I knew to be a constable, or at least employed, I believe, by the Sheriff, of the name of Vickery, I saw standing under the portico of the Custom-house.

Was it raining at this time? Raining hard.

Were there other persons along with Vickery? I think three or four of the dragoon guards were there, with their horses, and others retiring from the house.

At that time did it appear to you that the Mansion-house might have been taken possession of by peaceable persons? With the greatest ease I might have walked into it myself; there were none to prevent me but the dragoon guards, if that was their order.

I believe you went home about that period? I went home about five, I think, or a little after five.

Did you return to the Square that evening again? I did.

About what time? I am not sure now the time, but it was before eight o'clock; I cannot say whether it was after seven, but I think between seven and eight; certainly before eight o'clock.

Did you go with Mr. O'Farrell, then? I did.

To the Mansion-house? We went to Queen-square; the Mansion-house was the point of attraction.

What was going on at that time? The persons disposed to attack the Mansion-house were now more numerous, and as the dragoon guards were riding up and down, very few of them were there; as they left the cellar-doors and other entrances into the Mansion-house, the cellars of the Mansion-house, I observed portions of the mob endeavouring to remove the gates or the doors.

Of what? Of the Mansion-house, and the cellars under the Mansion-house: immediately a soldier turned his horse, a man would endeavour to lift up these doors; and if the soldier turned round, he left immediately.

If the soldier turned round, the man left immediately, but if the man was uninterrupted what was done? At length they succeeded in pulling away the door—the door leading into what I suppose to have been the cellar of the Mansion-house..

Did you see them bring any thing out? A little later I did.

What was that? A barrel of beer or wine: an elderly man and a boy, with the assistance, I concluded, of some persons in the cellar, brought this up into the street: the man and the boy rolled it along: at this time the dragoon guards were removed from the Mansion-house, but still in the Square.

How long do you think that was going on? Nearly two hours, from eight, I think, till about ten.

In your judgment would it have required an inconsiderable force to have prevented that being done? Yes, between eight and ten a very inconsiderable force could have prevented it.

How many persons do you think you saw employed in committing that plunder? I do not think that I saw more than a dozen, or at most twenty, entering the cellars: a little later there were other depredations committed upon the Mansion-house.

After the cellars were plundered, was there any difference in the conduct of the people? I then saw—I think it must have been about ten o'clock—a much larger number of persons enter the front of the Mansion-house, and they ransacked what I supposed to be the cupboards of the rooms on the ground-floor. I saw them breaking up the floors with adzes, such as, I believe, are used by ship-builders.

Did you observe any thing particular of a boy about thirteen years of age? After hesitation manifested by the whole of those who were in the rooms on the ground-floor—the whole that I could see in the front of the Mansion-house—after an hesitation of some minutes, a boy with a candle in his hand urged them to go up stairs with him: when he had proceeded a few steps he turned round, and found that none followed him, and said to them, "Why do not you come on? are you afraid?"

What happened then? That was received with a sort of a cheer, and they joined those in the lower rooms immediately, and went up stairs.

Following this boy? Following this boy.

You did not state what age he appeared to be? He appeared to be about thirteen at most.

What number of men do you think followed this boy? Oh! I think that there could not have been more than between twenty and thirty men, chiefly lads of sixteen, many of them younger.

How long did you remain? After what I now speak to?

On this last occasion, from your going at eight? This I now speak of must have happened, I should think, a few minutes after ten.

How long did you continue there after that? I kept there, I think, about twenty minutes or half an hour; I saw the whole of it in flames; the plunder of the upper rooms appeared to be the work of a few minutes only, and immediately the whole was in flames.

Did you see any attempts made to prevent plundering? None whatever.

Did you see any furniture removed to places of safety? From the contiguous houses I did, but no attempt made at the Mansion-house, or any furniture removed from the Mansion-house.

From some of the contiguous houses you did? Yes.

Was that done by the mob, or by the persons who appeared to be securing the property? Persons who I knew were employed either by the owners or keepers of property, to remove it to places of safety.

Did you see the mob obstruct them while they were so employed? Not the least obstruction; on the contrary, the utmost willingness manifested by the persons who were not so engaged to take a share in it.

You came away about twenty minutes after: I will ask you during the whole time you were there, whether it appeared to be a formidable mob in point of force? Not a formidable mob, in point of force, at any period; but when the cellars of the Mansion-house had been entered, and I suppose wine and other liquor had been supplied to the people about, the mob increased in number, and the most formidable feature of the attack on the Mansion-house was, in my judgment, in the men employing the adzes I have spoken of: I then suspected that the respectable part of the artizans of Bristol were engaged in this riot; by respectable I manifestly mean——

Men earning their livelihood? Yes, men on whose assistance in suppressing it I had previously calculated.

Could you give any estimate of the number of such persons? I have said before, I think, they could not have been more than between twenty and thirty; I suspect that is an over-statement of the number.

You left at about twenty minutes past ten? I think between ten and eleven.

The next morning did you go to the Council-house? I did; I first went to the Guildhall, to enquire for Magistrates or a Magistrate.

At what time of the morning was that? I believe about a quarter before six, I was at the Guildhall with Mr. O'Farrell.

Did you get any admission into the Guildhall? We did not obtain admission; in fact we met the servants, we saw the servants of the Magistrates, the servants employed about the Guildhall, generally at the entrance of the passage leading to the Guildhall: from them we learnt that there was no Magistrate there, and that there had not been.

We will not proceed in that: did you go to the Council-house? Yes, they directed us to the Council-house.

Did you find a Magistrate there? There was no Magistrate when we arrived, a few minutes before six.

Did some Magistrates come shortly after that? A very few minutes after that the Mayor and Mr. George Hilhouse came.

Was there a Mr. Lunell there? Mr. Lunell was there.

Did he say any thing to you? Yes, when I entered, I addressed myself to Mr. Lunell, who had very recently served the office of Sheriff.

You told him something; did he speak to the Magistrates when they came? Yes, he did; he said, "Mr. Edgeworth is come to make an offer, which I think it is very desirable to accept," or words to that effect: he mentioned the offer I had come to make, and that in his opinion it ought to be accepted.

Did he or you state what the offer was? I am not sure that he stated it; I believe he stated it: I am certain that I stated it as I had previously stated to him; I do not think the Mayor or Mr. Hilhouse made any reply to his observation, because they were then on the stairs.

Did you hear Mr. Lunell state it to the Magistrates? I did; I had previously told Mr. Lunell what I had come to propose to the Magistrates: he at once accepted it with great joy; I could see that, and as the Mayor and Mr. Hilhouse—Mr. George Hilhouse—were going up the stairs, he said, "Mr. Edgeworth is come to make a proposition."

Did you make the proposition to them? I did.

What was it? I told them I was able to find 200 able and steady men, to act under their directions, and to assist in suppressing the riots, and in preserving the peace of the city.

Did either the Mayor or Mr. Hilhouse say any thing to that? Each made an observation.

What was it? Mr. Hilhouse said, "Mr. Edgeworth, you know they will drink;" observing, at the same time, to the Mayor, that they would be all Irishmen, or mostly Irishmen.

Upon Mr. Hilhouse saying that, did you address either of them? I addressed the Mayor, I believe; I had previously addressed myself to Mr. Hilhouse. I then turned to the Mayor, and emphatically renewed my proposal.

Lord Tenterden.—This was on Monday? Yes, about a quarter before six on the Monday morning.

Mr. Attorney-General.—Did you revert to what Mr. Hilhouse had said of their drinking? I repeated with such emphasis as, I think, was adverting to what he had said, "I am come, Mr. Mayor, to offer, if you will accept them, 200 able and steady men, to act under your directions in suppressing the riots."

Did the Mayor say any thing to that? He said, in a very affable manner, "I thank you, but we are going now to organize the wards." Upon that I left.

Cross-examined by Sir James Scarlett.

Will you allow me to ask you, when you describe the persons who were making balls of pitch and tow, and exhibiting them to the people, and to

the soldiers, how many people might be assembled? I do not ask what you consider the active part of the mob; but how many might be assembled altogether, in Queen-square? I did not see men doing this, in Queen-square, but in a street very near it; I do not know the name of the street; but there are persons present who can state that.

Were there many persons present to whom the boy exhibited those? No, at that point the people did not rest; no assemblage was found there; but there were persons continually passing, and I think, at any moment, when that action was exhibited, it would be in the presence of between 30 and 40 people.

Being in the presence of 30 or 40 persons, did any of those 30 or 40 persons lay hold of those persons? No, I think very many persons would not understand the meaning of that.

You understood it? I feared, seeing the state of the Mansion-house——

Did you understand the meaning? I have told you what my conjecture was, that those were balls prepared for the purpose of setting fire to the Mansion-house.

You think many would not understand it? No.

As you understood the meaning, why did not you lay hold of them? I did not think it became me to lay hold of them.

Were not there a sufficient number of decent persons taking no part with the rioters, who would have lent their aid, if you had done so? There were, I have no doubt, many to be found, who would have gone, at the suggestion or request of a Magistrate, but not at my request.

I return to the question, how many persons might be assembled at Queen-square, in your judgment, during any period you were there? I was there, the first time, I think, about half-past three; there were, perhaps, three or four hundred; it is a large square, passing in different directions, but I do not think there were a hundred at that time assembled together, and remaining there; I think not; there was nothing that would attract me as a mob.

Lord Tenterden.—At what time do you refer to? Half-past three.

Sir James Scarlett.—At that time the dragoons were there, before the Mansion-house? Yes, there were six or seven stationed near the Mansion-house.

The next time you were there, how many were there—I mean in Queen-square, and about the Mansion-house? About the Mansion-house there were very few indeed; in Queen-square there were several troops; perhaps, altogether, there might have been 2,000; I think I have overstated it, when I say that.

What were they doing? They were apparently enquiring, at least I heard several enquiring, what were the measures adopted by the Magistrates, to put a stop to it.

Upon your oath, did you not hear a shout of approbation when the Mansion-house was falling in flames? I am speaking of half-past four; at that time the Mansion-house was not in flames; I am speaking of what I saw on my return.

How long did you stay the second time? I think about half an hour; I left about five.

You came back about eight o'clock? I think I came back before eight.

You say you staid from eight to ten? Yes.

You saw the Mansion-house in flames? Yes.

Then the latter part of that time, there were a vast number concerned; were there not shouts of approbation from that vast number? Upon my oath, I heard no shouts of approbation, but frequent expressions of horror at what they were doing.

If any body has stated, that there were shouts of approbation, and that they seemed pleased with the destruction of the Mansion-house, that is false? No, I do not say that.———

Lord TENTERDEN.—That does not follow; one man hears one thing, and one hears another.

I do not remember hearing shouts from the assemblage of persons in the square; I heard shouts in the crowd.

Were you at the Custom-house? Yes, I was.

At what time? Between eleven and twelve; after seeing the Mansion-house in flames I returned home, thinking it necessary to make arrangements with my reverend colleague for the night; I had told him that the work of fire, which I had long expected, was now begun, and that if he would remain at home, I would go out.

You and Mr. O'Farrell had long expected the work of fire? We had, seeing no precautions taken against it; when I returned, I think after eleven, between eleven and twelve, on my way to the square, I met a lad of about sixteen years of age, an intelligent lad belonging to our congregation, and I thought it right to say to him, that it was his duty to remain at home, not to come out—that he would not see me there, unless it was my very painful duty to do my best to prevent people who were specially committed to my spiritual care from taking any part in those riots. I asked him if he had seen any of the congregation—(he was an Irish boy,) any of his countrymen, I think was the expression, near the fires; he said, yes, some were now beginning to disgrace themselves. I asked him if he could direct me to any spot where they were; he told me at a street at the back of the Custom-house and Mansion-house, I believe King-street, he told me I should find some there,—he had just seen them,—he was so disgusted he was going home, seeing them taking part in plundering the houses. I went thither; some I recognized them, and seeing them carrying away flour, I observed to them, that they were committing a great crime which would be sure to be visited in a few hours by the law of the country—according to the laws of the country.

You are a long way from the Custom-house? No, about three doors from it; these men told me that they were commissioned,—that they were directed by the foreman of some corn merchant, I do not know his name, to take away this flour to places of safety. I found, of course, no further occasion to blame their conduct. I then went to the Custom-house, to the back-door of the Custom-house, and knocked; I addressed myself to a person I had often seen about the Custom-house, whom I presumed to be an officer belonging to it; I told him I had heard, I hoped untruly, that the Custom-house would shortly be attacked, that there were many ———

You had heard that had you? I had.

From whom had you heard it? I must take a little time to consider. I do not know that it was any person I was acquainted with; I had heard it said in the crowd; the people said they would soon attack the Custom-house.

It is so remarkable, that you must recollect it? That they would soon attack the Custom-house,—I recollect hearing the expression,—that they would soon now be at the Custom-house; there were many poor Catholics in the immediate vicinity of Queen-square, and my object in going to the Custom-house was to offer the assistance of my presence there; in case any of the poor Catholics should be found among the assailants, I was convinced I had a better chance than any man in Bristol in detaching them from the work of plunder; I addressed myself to one whom I supposed to be a clerk in that establishment, and stated that I had come there for the purpose of offering such assistance as I have described. He said, perhaps you do not know me. I said, ———

You went there because you had heard that the Custom-house was likely to be burnt? It was evident without my hearing it.

You first say it was evident, and then that you heard it? It was both.

You went there because you heard the Custom-house was likely to be burnt, to see if any of your congregation was there, that you might endeavour to prevent them? Yes.

Did you see Colonel Brereton coming there at any time in the course of that unhappy period? I did.

About what time was that? I suppose it must have been after ten o'clock, at least the Mansion-house was in flames when he arrived; he arrived with about eighteen or twenty of the 3rd dragoon guards.

What passed? He drew them up in front of the Mansion-house and addressed himself to one of the six or seven of the dragoon guards who remained there all the time, who had been left there before, and asked him how this had come about,—why did he permit this,—that was the Mansion-house now in flames. The Corporal or Serjeant, that is, the individual to whom he addressed himself, said, "how could we help it, Sir?"

Did he say anything else to them? I think those six or seven then joined the main body, and I heard him say to them,—I was close to his horse, "my lads, do not fire;" it was a moment of irritation to them.

Was any attack made upon the lads? No, no attack made upon them.

Were they cheered? I think there was a cheer from the rioters in the houses.

Was any liquor given to them then? I saw none given to them then.

Then what did Colonel Brereton do? Colonel Brereton rode forward about twenty-five yards, leaving his men in charge not to fire amongst the large number of people not engaged in rioting. I was then too far from him to hear his words, but I saw his gestures, and the impression upon my mind was, that he was importuning them to leave the place.

How long was that before the Custom-house was on fire? It was shortly after he came in, before I left the Custom-house, on that occasion; the Custom-house had been on fire about twelve.

When you came back and went to the Custom-house, were those troops there? I do not remember; I went the back way to the Custom-house; I went through King-street; I think it was behind the Custom-house and the Mansion-house.

When you went back into the Custom house, did you go into Queen-square at all? No, I did not go into Queen-square at all.

You went away before it was burnt? Some few minutes, when all the clerks and men, who had been engaged in carrying away the books, had left, I went away.

Were there a good many of those? I think a good many; I think quite enough to have defended the place against any mob that I saw at that time, clerks and men that were engaged in carrying away books and other things.

You were not in or about the Custom-house during the fire of the Custom-house? I was not at the Custom-house at the time it was set on fire; in fact, I was not there when the mob rushed in; I saw only two or three left in the place.

Re-examined by Mr. Attorney-General.

Before Colonel Brereton came, what was the number of soldiers you saw? Six or seven, I think.

Mr. HENRY BULGIN sworn.—Examined by Mr. Solicitor-General.

I believe you are a bookseller living at Bristol? I am.

Did you, on Sunday the 30th of October last, attend in the morning any place of worship; I did.

What was that place? Bridge-street chapel.

Was there any public notice given during the service, of any meeting of the Magistrates or any assembly? I did not hear any.

Did you at any time afterwards in the course of that day, receive any notice to that effect? I did.

Do you recollect the time of the day? It was about half past two, from that to three o'clock.

Did you in consequence of that notice, go to the Guildhall, or to any other public place? I received a notice from the church-wardens of Saint Michael's church, to attend a vestry there, which I did, where I met several gentlemen, and was referred from thence to the Guildhall,

At what time, as nearly as you can recollect, did you arrive at the Guildhall? About half past three o'clock in the afternoon.

Did you upon your arrival find any of the Magistrates there,—if so, be so good as to state who they were? I did, I saw Mr. Pinney, who was then the Mayor, and Alderman Daniel, and several more whom I cannot specify by name at present?

What, as well as you could judge, was the number of persons present at that meeting? When I first entered there were about 100 individuals present; in the course of a few minutes others entered to the number of about 150.

Mr. Justice PARKE.—Do you mean 150 altogether, or 150 in addition to the 100? No, 150 altogether, my Lord.

Mr. SOLICITOR-GENERAL.—How long did you remain at the Guildhall? I think, from half an hour to three parts of an hour; I went back to the Guildhall chambers.

Whilst you were there, did you hear any directions given by the Mayor or any of the Magistrates present, respecting the disposal or employment of the civil force? I heard none.

Did you, during that time, hear any plan proposed by the Mayor or any of the Aldermen present, upon that subject to the gentlemen that attended? Not any.

Were any applications made by any of the persons present during that time, to the Mayor or any of the Magistrates upon the subject? Several.

What answers, as well as you can recollect, were given by the Mayor or any of the Magistrates, to those applications? The Mayor and the Magistrates seemed to me very desirous of hearing and receiving any plan or plans that could be devised by the inhabitants present, but there was nothing determined upon; there was a great deal of confusion in the hall; as much attention was given as could be, but nothing at all determined.

Did you hear from any of the persons present at that time, any expression of dissatisfaction at that state of things? I heard very many.

Was there, in your judgment, from the observation that you were able to make, any indisposition on the part of the persons present to assist the Magistrates in restoring the peace of the city? Quite the contrary.

Among the persons who so attended, had many of them staves? Several; the greater proportion, I think.

Are you a special constable, and did you attend with your staff, at that time? I did.

Did that meeting terminate without any directions being given by the Magistrates before they left? The only direction was, for the gentlemen in the hall to repair to the Council-house.

How long had the meeting then lasted? I think it had lasted three parts of an hour.

Did you and the other persons, or any of them, adjourn upon this, from the Guildhall to the Council-house? We did so.

What, in your judgment, was the number of the persons who so adjourned, or met, at the Council-house? Several hundreds, that is to say, I believe we met several hundreds there.

Not the same company entirely? No.

But consisting partly of those who left the Guildhall, and others who came to the Council-house? Yes.

Upon adjourning to the Council-house, did you, upon arriving there, see any of the Magistrates? I did not.

How long was it, after your arrival at the Council-house, before any of the Magistrates appeared? I did not perceive any, till about half an hour after I arrived.

During that time were any communications made to you, and the other inhabitants present, from the Magistrates? I heard none.

Did any thing then take place among yourselves, about the application of the civil force, or your own employment?

Sir JAMES SCARLETT.—What signifies that, among themselves?

Mr. SOLICITOR-GENERAL.—I am asking what they did.

Sir JAMES SCARLETT.—You are asking what they said to one another.

Mr. CAMPBELL.—You first of all get the Magistrates absent, and then you ask what passed in their absence.

Mr. SOLICITOR-GENERAL.—I asked whether any communication was made from the Magistrates, and then I asked what was done by themselves. I do not ask what they said. What did you do? Two or three gentlemen, who supposed they had sufficient influence to get attention, proposed, that we should all be divided into our several parishes, so as to endeavour to organize us, in some way, in case we should be called upon; which was done.

Having done that, did the Magistrates, or any of them, make their appearance? Not any, that I saw.

Having thus organized yourselves at the Council-house, was any application made, by any of you, to the Magistrates? I understood there was, from what I overheard around me.

Was any message sent, by yourself, or by the other persons present, to the Magistrates, or to enquire for them? I cannot say; I understood so, from those around me.

Did you go to the Magistrates? I did not.

Whilst you remained at the Council-house, did you or not see any of the Magistrates? I did.

State, if you please, in what part of the Council-house you saw the Magistrates, and what was the time you saw them? Some time after I had remained in the house which our parish had gone into, I saw that there was nothing likely to be done, as it appeared to me; and I left my party, and went, for mere curiosity, about, to see what was going to be done, and I believe I went into what is called the Magistrates' room.

Lord TENTERDEN.—Did you see the Mayor, and the others? I do not recollect seeing the Mayor; I saw Alderman Abraham Hilhouse, I am sure, and Alderman Fripp; I do not recollect any others; there were several others.

Mr. SOLICITOR-GENERAL.—Did you or not see the Mayor, in any room in the Council-house? I did not.

Were any orders or directions given by the Magistrates, to the persons so assembled, at this adjournment, at the Council-house? Not any that I heard.

Lord TENTERDEN.—He has told you that, half a dozen times.

Mr. SOLICITOR-GENERAL.—At what time did you and the other persons leave the Council-house? I left myself in the course of the evening, and returned again; I thought that our aid seemed not to be required, and I left from mere curiosity, and went into the city, to see what was going on.

At what period did you return to the Council-house? I think I returned at nearly 8 o'clock, or a little before 8.

Did you then find any number of persons assembled? Yes, a great many.

Any Magistrates? I did not see any there; we were principally on the hall-stairs.

At what time did you leave the Council-house, upon this second occasion? Very soon after I arrived, I think about half past eight, between eight and nine, or it may have been about nine.

Did you then leave it alone, or in company with any other persons? I left it in company with several other persons.

Where did you go? To the Bishop's Palace.

What was the number of persons, in your judgment, there, at the Bishop's Palace? I should think two or three hundred; it was rather dark, and I cannot form a clear opinion upon that.

Do you mean to describe those two or three hundred as rioters? Oh dear, no.

Be so good as to state what was the number of the rioters, and how they were then employed? We were received with yells and shouts, and various missiles were thrown; and in passing through to go to the Palace it appeared to me that those actually engaged were not above 30 or 40.

Did you meet with much difficulty or obstruction in your passage through those number of persons to the building? No, we did not.

Was any violence offered to you and the other persons with you in thus passing through? Very little; merely a few stones thrown.

Were you and those other persons under the direction or accompanied by any Magistrate? We were accompanied by Alderman Camplin.

Your party? Our party.

Did Alderman Camplin accompany you to the building—the Bishop's Palace? I did not see him; he accompanied us to the gate, but not to the building. I did not see him in the building.

Be so good as to describe the situation of the gate, with reference to the building? Supposing this to be the gate, at the entrance of the Palace-yard, there is a sort of avenue here (describing it) and there are houses on this side; and here it was that when our party entered Mr. Camplin accompanied us to the end of this avenue to the gate, where myself and another gentleman were applying for lights, and after that time I did not see him.

Upon arriving at this gate did you meet with any particular resistance from the mob? No, this avenue was nearly clear,—just before the gate it was.

Did you, after your arrival at that gate, see anything more of Alderman Camplin during the time that you were at the Bishop's Palace? I did not.

How long were you at the Bishop's Palace, and how were you occupied during that time? As soon as lights were procured, or indeed while they were procuring lights, I went forward with a party to the Palace door; we there found the door broken in, and we went into the hall, and took possession of the hall, and several individuals went up stairs into the Palace for the purpose of searching for and securing the rioters, if they could be found there. I remained in the hall for some little time, and afterwards joined several of the party, five or six, and went up stairs. The party to which I was attached became separated from the main body, and we pursued, I suppose, one wing of the building, the long gallery, I think it was. We went from one room to another looking under the beds and over the cupboards to see if we could see any rioters, and after we had gone to the whole extent of the gallery in which we were, we then consulted what we should do, and we then determined upon going down stairs to the hall to consult with the main body what measures should be adopted for keeping possession and securing the Palace for the night,—I should say, that the Palace had been fired before, and it was put out, and to devise what measures should be taken to keep the Palace from being fired: when we came down stairs, we found all in darkness, and there was not a single person left in the hall; of course we were exceedingly frightened, and we immediately proceeded out into the yard; at that moment the mob was just coming into the Palace-yard gate; a gentleman who was in company with my

self and a small party had a white hat on, which was immediately perceived by the mob, and they set up a yell and a shout, and made a rush upon us; we of course retreated instantly into the Palace; we rushed into the very first room, and there was a window at the end of the room, which was fortunately unclosed, and a gentleman pushed it up and jumped through, and every one of us after him, because, of course, the mob was very near us.

During the time you were there and thus occupied, what do you consider was the number of rioters actually employed in this demolition and plunder? I heard of two individuals who were secured in the Palace, and from those gentlemen who entered first, that three or four had made their escape from it; but with that exception the Palace was entirely in our own hands.

You have stated that one or two persons were secured,—do you mean that you took any prisoners? There were two, I understand, taken prisoners.

Did you assist in capturing them? No,—I should remark there were one or two men brought into the hall, collared, and immediately there was a great commotion, and difference of opinion, as to what should be done with that individual.

What, ultimately, was done with him? He was very near being killed, and a person present came forward and collared the man, and gained the attention of every one present, and said, "Is this man to be killed?" "No, no, no." "Then for God's sake, put down your staves, or you will kill him."

Was he put any where? Yes, it was determined that he should be secured.

Was he left there? I understood so.

You have stated you saw nothing of Alderman Camplin from the time you arrived at the gate; did you during the whole time you were there, see the Mayor or any other Aldermen present? I did not.

From the number you saw on the one or the other side, what force do you consider would have been sufficient to have put down the mob at the Palace? The military were there, and therefore, very little would have been sufficient; we did not require any force there, only to search the Palace, because the military were there.

Sir James Scarlett.—The military were there?—you might as well have mentioned that before? I was not asked the question.

Mr. Solicitor-General.—Were the military there when you arrived? Yes, they were.

Did they remain while you were there? Part of the time; when we returned we found they were all gone, and our own body likewise.

So that when you came down stairs, there were no military there? No, not any, neither military or constables.

And as I understand you, neither the Mayor or any of the Aldermen? Not any at all.

At this last period, therefore, in your judgment, what civil force would have been sufficient to have maintained the possession of this place against the mob? Without the military having been there?

The military having been gone, and every body having left? I should think 20 or 30 resolute men would have done it.

Mr. Justice Littledale.—Exclusive of the military? Exclusive of the military,—without the military.

Cross-examined by Mr. Campbell.

I must take you first, if you please, to the Guildhall. On Sunday, about half past three, when you were there, you say that dissatisfaction was expressed; was not there dissatisfaction expressed that the military had been sent away? There was a little; various opinions were uttered as a matter of course upon such a proceeding.

Did not some express dissatisfaction that the military had been sent away? Decidedly so.

Did not some say that they would not act without the co-operation of the military? There may have been one or two; I heard very few expressions of that sort.

Were you there when Mr. Isaac Cooke, a solicitor, was there? I do not recollect having seen him.

But some said they would not act, without the co-operation of the military? I did overhear that expression.

Did you see Colonel Brereton there? I did.

Did you hear any conversation between him and Mr. Serjeant Ludlow, the Town-Clerk? I did.

Did you hear Mr. Serjeant Ludlow say any thing to him about the military? I did; I heard Mr. Serjeant Ludlow call upon Colonel Brereton in the name of the Magistrates, to recal the 14th Light Dragoons.

Do not you recollect his further saying to Colonel Brereton, "I charge you with the whole responsibility, whatever may happen?" After he received Colonel Brereton's reply.

What was Colonel Brereton's reply? Distinctly, "I will not."

Whereupon Serjeant Ludlow said, "I charge you with the whole responsibility of whatever may happen?" He did.

Did not Colonel Brereton still refuse to recal the 14th? He did, and explained why; he said that his own men were so fatigued and jaded, and that together with the small number of military, with the prejudice that was then entertained against them, that if they were brought back into the city, he thought they would not be sufficient to meet the mob.

Sir James Scarlett.—By his own men, I suppose you mean the 3rd dragoon guards? Yes.

Sir James Scarlett.—That is a mistake, they were not his own men.

Lord Tenterden.—He said, if they were brought back; if who were brought back?

Mr. Campbell.—Repeat again what Colonel Brereton said? He said, that from the state of his own men, alluding to the 3rd dragoon guards, and with the smallness of the number of the military force, the 14th, together with the prejudice existing against them, he would not order them back, because he thought they would be of no service whatever, but that they would all be cut up.

Did he say that their lives would be sacrificed? He did.

Lord Tenterden.—It is the same thing.

But he said also, "not that I care sacrificing my own life, or the lives of my men, if I thought they would be of service, but I am confident they would not; they would only irritate the mob to worse acts, and then I would not answer for the consequences that might take place."

Mr. Campbell.—Do you recollect any thing being said, that it was necessary to procrastinate, or to gain time? No, I do not.

Do you recollect any more that Serjeant Ludlow then said? Serjeant Ludlow then turned round to the gentlemen who were in the hall, and he addressed them as nearly as I can recollect, "Gentlemen, I never have been, I never will be ashamed to give my opinion fearlesaly, when that opinion is wanted. I have been advising with the Magistrates, yesterday and to-day, as to what is best to be done; what that advice is, I shall not state here, but that has not been taken." As near as I can recollect, those were the words,—that was the import.

Was any thing more said about the recalling of the 14th? Nothing more that I recollect.

Do you recollect Serjeant Ludlow saying that they would retire to the Council-house, as the place where they could best make their stand? I do not recollect it; my impression is, from what I overheard from those around me, there was no express demand given.

Was not it stated, that the Council-house would be the best place for

them to make their stand against the mob? There was a general cry, "the Council-house, the Council-house," and it was understood, by all parties, that we were to go to the Council-house.

Did not Serjeant Ludlow then say that the Secretary of State had sent the troops to protect the city, and he demanded their services? I did not hear him; my attention was frequently called off.

When you remained at the Guildhall, did not the Mayor and the Magistrates appear to you to be most anxious to restore the peace of the city? They appeared anxious to receive advice from different individuals: that is all I can say.

Did not they seem anxious that the peace of the city should be restored? Certainly, as far as we can imagine, from their being desirous to receive any communication; that is all I can say.

Was there any suggestion made? Several suggestions.

What were the suggestions that were made? They were various; I cannot repeat them minutely.

Was there any opinion expressed against the use of the military? I do not recollect; there were various expressions; I had not any idea of being called upon, at any future period, to relate them.

Did you see Mr. Pyle Taunton, the counsellor? I do not know him by sight.

Did you see any thing more of Mr. Pinney, after leaving the Guildhall? Yes, I saw him in the course of the evening, at what time I cannot state, come into the Council-house and go up stairs.

And you did not see him again? I did not.

You do not know how he was employed? I do not.

Did you observe whether he was still in the dress in which he had received the Recorder on the Saturday morning? No; when I saw him he was in his private dress.

When you were going to the Palace, I think you say it was dark? It was dark.

Had the lights been put out by the mob? No, I think not; there was one light at the gate, as far as my recollection serves: when we entered they called for lights at the Palace, to enter the house, to search the house.

But it was dark? It was very dark.

Can you form any accurate notion of the numbers? There were, as I said before, two or three hundred assembled outside, in the College green.

Were not there persons gathered together in the adjoining streets? At the entrance of the archway that leads from College-green into what is called the Lower College-green; there were several in the Deanery, which is close to the entrance, but the principal body of persons was before the Palace.

Besides that principal body, were not there persons in the adjoining streets? In College-green there are no streets; it is two greens.

How many military do you think there were? It appeared to me about ten or twelve men.

From whence did you set out with Alderman Camplin? From the Council-house.

How many went with you? I should suppose about thirty or forty individuals, as near as I can remember, principally gentlemen, special constables. Alderman Camplin came and said, "Who will follow me?" and several voices said, "I will—I will," and as many of us as chose to do so, did.

And he marched at your head? He did.

You say there were about thirty went with you, headed by Alderman Camplin---how many, do you think, were left behind in the Council-house? The numbers had decreased considerably; there might have been as many as two hundred perhaps---from one hundred to a hundred and fifty.

Must not they all have heard the Alderman make his appeal to them? No, I suppose not; because we were not confined to the Hall; some were up stairs, going to various rooms; we were scattered about.

Did not Alderman Camplin say, with a loud voice, "Who will follow me?" I did hear him, but I cannot answer for others.

About two hundred remained behind? There may have been; I cannot say; I was too much occupied to observe how many remained behind.

Did you see the military do any thing? They did nothing that I saw—they sat quietly on horseback.

Did you see Colonel Brereton there? I did.

Did you hear him give any orders? I heard him give none.

Did you see any prisoners released? I did not.

In your opinion could the military, if they had exerted themselves at the time, have suppressed this riot at the Palace? Without question they certainly might. I said to one of the Blues as we were going in, "if you will only keep your station, and keep back the mob, we will secure the Palace, and put out the fire, and secure whatever may remain there:" but they did nothing; at least I saw them do nothing.

You saw them go away? No, I did not, but I found they were gone when we came down.

Was there any superior force to have compelled them to retreat that you saw? No.

Lord Tenterden.—He did not see them retreat.

Mr. Campbell.—Did you see a gentleman of the name of Franklyn there? I do not recollect.

A Juryman.—I wish to know, at the time this movement was made that you speak of, with Alderman Camplin at your head, whether it was done at the suggestion of the Mayor, or whether the Mayor was present? I did not see the Mayor present: I cannot say that it was done at the suggestion of the Mayor.

Mr. BENJAMIN HOLDER GREEN sworn.—Examined by Mr. Serjeant Wilde.

Are you an accountant, residing in the city of Bristol? I am.

Did you attend your usual place of worship on Sunday the 30th of October? Not my usual place of worship.

A place of worship? A place of worship.

In consequence of something you heard there, did you afterwards go either to the Guildhall or to the Council-house? I went to the Guildhall.

What time of the day did you get there? I got there ten minutes after twelve o'clock.

During the time that you remained there, what number of persons do you think you saw assembled at any one time? The morning meeting contained about two hundred persons.

Did you see any Magistrate during that meeting? I did.

Who was it? Alderman Daniel and the Mayor.

Were any directions given during that meeting, by those Magistrates, or either of them, to the persons assembled? No.

Was any thing said to them previous to their separation? A great deal.

I mean respecting their going away or staying? Certainly.

Be so good as to state what was said to them, as to their remaining or going home? There had been an appeal to Alderman Daniel and the Mayor, as to the course to be pursued, and a disposition on their part to take advice from the persons assembled as to what should be done.

Were any suggestions made, either by the Magistrates or by the persons assembled, as to any course to be pursued? By both.

Did those suggestions lead to any determination? Yes.

What was that? At about ten minutes after one, that we should all go home to our respective houses, and summon our respectable neighbours, as many of them as we could, and return at half past three o'clock.

Did you return about that time? I did.

Did you find any number of persons there, or did any number come afterwards? When I arrived, there were not a dozen persons present.

What was the greatest number that did assemble, at any one time, while you remained? Not quite so many as in the morning.

Short of two hundred? Yes.

During that meeting did you see the Mayor or any other Magistrate? I did.

Did the Mayor make any communication to the meeting? He did.

State what he said? My memory since that time has been greatly weakened by family affliction, and I cannot call to mind, particularly, what the Mayor said, but I remember the drift, that the meeting took well enough.

Do you recollect the substance of what the Mayor said? The substance of it was this—That the Magistrates were without a sufficient civil force for their protection—that the military were not to be relied upon, and that the best advice he could give was, that each person should go home and take care of his own property; or at least that was the purport of what he said.

Did this call forth any remark from the meeting, or any question as to what they should do? The address to which I alluded, on the part of the Mayor, was made towards the close of the meeting; there had been a great deal of previous discussion.

Do you remember any question being put, by any individual of the name of Jones? I do.

What question did he put? Just about as the meeting was breaking up, in a very earnest manner and voice, he addressed the Mayor, something to this effect: "Mr. Mayor, what protection have you for yourself, and for us," or "for yourselves and for us."

What answer was made to that? The Mayor not giving him any satisfactory reply——

Do you remember what reply, in fact, he gave?—state the substance of what you heard said by the Mayor? He detailed what he had previously said, that they were without the means of defence or protection; and the reply Mr. Jones made was this: "there is no safety for any man's person here; I shall go home."

Did you observe about this time, or not, a great many persons left the room? On his making that remark, I left the hall.

At the time you left it, did you observe whether others left it with you? Other persons, I believe, followed; but I should remark why I left; a detail of circumstances had been given, such as to excite a complete panic.

By whom had that detail been given? By the Mayor on the one part, and by Colonel Brereton on the other; and by the various reports which were brought to that meeting, of what had been done by the rioters in various quarters of the city, information of which was brought.

You have stated what the Mayor said,—will you state what Colonel Brereton said to the meeting?

Sir James Scarlett.—You have got what the Mayor said last.

Mr. Serjeant Wilde.—I did not wish for it. After you went away, did you go about the city during the remainder of the evening? I did, but I should wish to state to you what took place at that meeting, it being of the utmost importance to be known.

State what you refer to; who was it said that which you think important? Colonel Brereton chiefly.

State what Colonel Brereton said to the meeting? Colonel Brereton, a little time after four o'clock, to the best of my remembrance, entered the

hall, by the door-way from Saint George's Chapel, when it was said, "Colonel Brereton, Colonel Brereton;" he was ushered into the hall, and he mounted upon the table, and advanced towards the bench; he appeared to me to come in for the purpose of stating that he was incapable of maintaining his position against the mob.

State the substance of what he said? He said, his men had been on duty upwards of thirty hours, and were so exhausted, together with their horses, with fatigue, that the horses were scarcely able to pick up their heels from the ground, and that the men must have refreshment.

Did he say any thing more? Yes, he did, when addressed by the Town-Clerk to recal the 14th, as I have since understood.

State what you heard yourself? He told him, in express terms, "I will not;" and the reasons for his not doing so.

Sir James Scarlett.—What reasons? The reasons were these; that in the morning of the day they had fired upon the people, and had provoked them; at least that was what he implied; by which, he said, that the people had been so fired upon that he considered their longer continuance in the city a source of irritation and excitement to the mob, and that he had sent them out of the town, to remove that excitement.

Did he say any thing further? There was more said, that I cannot correctly remember.

Was any answer made to this, or any remark upon it, by either of the Magistrates, or the Town-Clerk? The Town-Clerk addressed him in very earnest language; he said he would report him, I think, to the Horse Guards.

After you left this meeting, I asked you if you went to various points in which the rioting was going on, in the city? I did.

Were you at the Toll-house? I was.

Were you at Lawford's Gate Prison? I was.

At Queen-square? Yes.

What was the greatest number of persons you think you saw engaged, as rioters, at those various places? I left the meeting about six o'clock in the evening, and walked down Prince's-street.

What is the greatest number of rioters you saw at the Toll-houses? Their numbers were comparatively small to those that were assembled.

Of those that were assembled, how many persons did you see committing acts of violence? A very small number.

Were you in Queen-square? I was.

At what hour of the night? I went down there, as near as I can recollect, about ten o'clock,—a few minutes after ten.

At that time, were there any fires in Queen-square? The Mansion-house was then burnt down, and on my entering the square, the rioters were in Mr. Leman's house, throwing the things out of all the windows.

That is the next house to the Mansion-house? Yes.

At that time, what do you think were the greatest number of persons that were committing acts of violence? I had a very indifferent opportunity of judging, because I did not advance nearer to them than the front of the statue in the centre of the square.

Had you a good opportunity of seeing the mob that proceeded to Lawford's Gate? I did; I was standing on one side of Prince's-street, and I heard a stream of individuals passing up the centre of the street amidst the concourse of persons that were assembled, and I speculated upon the number that appeared to me moving in a contrary direction from the general concourse; those that were moving towards Lawford's Gate were the rioters, those that were going down were the mere spectators.

Now, the rioters; how many do you judge they consisted of? I judge them to be somewhat about fifty or sixty individuals.

Did that crowd consist of men all of them, or men and boys? I could not well distinguish what they were, but they exclaimed, "now for Lawford's Gate."

How late were you there on the Sunday night? I was in the square the whole night except about two hours.

Had you, during any part of that time, an opportunity of seeing the number of persons engaged in the work of destruction? I had; I should consider, the gross amount of the mob and plunderers to be from 10 to 1200 persons, of what might be considered to be a body of rioters.

Were those persons stationary, or passing away with property? The plunderers were moving off in all directions,—the rioters were concentrated upon the spot.

What number of rioters were concentrated upon the spot as distinguished from those that were going away from time to time with property? Perhaps the larger moiety of the whole number, that is to say, about 600, leaving the plunderers 400 out of a thousand, or so on in proportion.

Did you see the mob dispersed upon the Monday morning? I did.

Where were you? Finding the rioters about to commence the third side of the square, the side where I had taken my station the whole night,——

Where were you, when you saw the mob dispersed? I was upon that side of the square nearest the quay.

You were in Queen-square? I was.

In what manner were they dispersed? I did not remain there longer than just to see the troops make their entrance.

What was the conduct of the crowd? They flew as leaves would fly before the wind.

Cross-examined by Mr. Campbell.

I believe that was between five and six on Monday morning? To the best of my remembrance it was half-past five o'clock.

That was, I believe, Colonel Brereton and Major Mackworth? I do not know from my own personal knowledge; I only know it was the 3rd dragoon guards.

During the night, I believe, many of those unhappy plunderers had been themselves sacrificed in the flames? I have no doubt of it.

And many of them had got very drunk? They did, and lay about the square in all directions.

The numbers, then, were not so considerable in the morning? They dropped off in the morning very considerably; their physical strength for destruction appeared to me to be consumed in a very great degree.

Besides those 10 or 1200, that you say might be considered as the rioters, was there a large number of other spectators? When I went into the square at ten o'clock, I speculated then upon the gross number that might be present, and I judged that there were upwards of 10,000 people in the square. I stood back and looked before me, and looked behind me, and all around, and I should think there could not be much less than 10,000 people there.

Were you there when the Custom-house was in flames? I was not.

I think you say, you had come again before ten o'clock? I left the square on the burning of Mr. Leman's house, the next door to the Mansion-house, which was about ten minutes to eleven o'clock.

Were the persons, whom you call the 10,000, many of them persons that appeared to be dressed decently? The majority of them.

Were they men? And women and children.

Was it raining during that night? It rained between six and seven, fast.

During the night did it continue to rain? No, I do not remember that it did.

I took you up at the last part of your story,—I will go back now to the beginning. You were at a place of worship, and you received notice to attend the Magistrates? I did.

Was this notice read from the Magistrates? It was.

What place of worship was it? Lady Huntingdon's Chapel.

Was it a printed notice do you know? I have no knowledge.

You arrived at the Guildhall about half-past twelve? About ten minutes after twelve.

How long did you stay at that first period at the Guildhall? I staid there till about 10 minutes after one.

You say then that about 200 persons came? I think so.

At that period, what was passing during that half hour which you staid there? An appeal having been made to Alderman Daniel, as to what were the sentiments of the persons assembled, as to what was best to be done, there were many speakers, and various advices given to Alderman Daniel as to what should be done.

Was it at that time stated or understood, that the 14th light dragoons had been withdrawn from the town? Not at that time, I think.

You do not recollect whether any thing was said upon that subject? Not till the afternoon.

Among those advices, was any thing said about the necessity of having the military? Certainly.

Was not it stated by many persons present, that without the aid of the military they could give no assistance? By many.

Was there any difference of opinion?—did others say that they would not assist if they had military? There was a difference of opinion.

Did you hear any of the parties say, that if the military came back, they would not assist? I did—it was not put in those express terms, but that they wanted the assistance of the military, and without the assistance of the military they were not willing to endanger their persons; others said that they would go rather without the military than with them, and shew themselves defensively, rather than offensively.

Was this difference of opinion maintained for a considerable time amongst the persons?—did either party give way to the other? The majority had it; the majority were for not going without the military.

Upon that being the sense of the majority, you say, an adjournment was proposed, that each man should get as many of his neighbours together as possible, and come again at half past three, to the Guildhall? That was the direction given us by Alderman Daniel.

And the party dispersed with that direction? We did.

Do you recollect, at that time, whether any church-wardens had made any report, in your presence, of what force they could get in their parishes? There might have been such a report, but I cannot say that I heard it.

When you went at half past three, instead of finding increased numbers, you found not so many? Not so many.

Of those that attended, which were fewer in number than the morning, did there appear to be a greater disposition then to act without the military, than there had been in the morning?—was there any change of opinion in the majority, as to going without the military? What I mean is this, did any considerable number of the gentlemen present, offer to go without the military?

Mr. Justice Littledale.—Was it a subject of discussion at the meeting, at half past three, whether they should have the military or not? I have no recollection that it was; they were all ready to assist the Magistrates, if any plan could be formed.

Sir James Scarlett.—You say that various plans were suggested, some by the Magistrates, and some by persons present? That was in the morning.

In the afternoon, at half-past three, were any plans suggested? There was a great deal said; the meeting was exceedingly confused, and my memory is also very much confused as to what was said.

Did that confusion remain till Colonel Brereton came in? It was chiefly engendered after he came in.

Was there much discussion before he came in? There was.

What was the subject of that discussion? The Town-Clerk held a conversation, of considerable length, with the persons assembled, before the Magistrates made their appearance.

You say you are an accountant, at Bristol; where is your residence? My residence, at present, or at least at that time, was at Cotham.

Are you acquainted with the persons of the Magistrates generally? I am not with the whole of them, but the majority.

Did you know the person of the Mayor? I did.

He had been lately appointed Mayor, I believe? He was then serving the mayoralty of the year.

Do you happen to know whether he had any other residence whatever, in the town, but the Mansion-house? I do not.

When you withdrew with Mr. Jones, do you remember seeing Mr. Cooke there? I think I did see him.

That was at the half-past three meeting? Yes.

Did you leave him there? I really cannot say.

Do you remember any thing passing between him and the gentlemen? I have an indistinct remembrance.

Perhaps you recollect his refusing to act, unless he had the military? No, I have no distinct remembrance of that.

When you went away, some of the gentlemen were left? They were following, I believe.

Did you hear any thing said about going to the Council-house, as the best place? Yes, I heard the Mayor say to this effect, "Well, gentlemen, what shall we do? shall we stay here, or go to the Council-house?"—and in a panic, as complete a panic as ever I saw, they broke out in terror, that the place itself would be besieged by the mob; and away they went to the Council-house, as I conceive, because it was a stronger place, in which they could defend themselves.

You did not go to the Council-house? I did not.

Mr. JAMES JENKINS sworn.—Examined by Mr. Sergeant COLERIDGE.

Last October were you a tanner, residing at Bristol? Yes.

Do you remember, on Sunday the 30th, about 5 o'clock, going to the Council-house, in the afternoon? I do.

Did you find any number of persons assembled there? I did, a great number.

Were they in the hall, and upon the stairs? In the hall, and on the stairs.

After you had been there some time, did you go into the room where some Magistrates were? I did.

How long had you been there, before you went into that room? I suppose half an hour.

Do you remember what Magistrates you found there? There were several; Alderman Fripp, Alderman Hilhouse, and, I think, one or two others.

Was the Mayor there? I did not see him, at that time.

Was Colonel Brereton there? He was.

Did you hear a conversation between Colonel Brereton and the Magistrates? I heard Colonel Brereton make a reply to an observation made by one of the Aldermen.

I do not want the particulars; did you hear a conversation between Colonel Brereton and the Magistrates there? I heard Colonel Brereton make a reply to an observation, by one of the Magistrates, that his horses were so jaded, that they were rendered quite inefficient for duty.

In consequence of the conversation you heard there, did you go to see if you could find fresh horses any where? I did.

Where did you go? I went to the two principal horse repositories in Bristol, situated in the neighbourhood of College-green.

I believe you were not successful? I was not.

Did you return to the Council-house? I did.

About how long might you be absent? I should think, not exceeding a quarter of an hour.

When you came back did you still find people assembled in the hall, and upon the staircase? I did.

About the same number, or more or less? I think they were rather increased.

Of what class were they principally? Respectable persons.

Did you form a judgment about how many there might be? It was rather difficult to form a correct judgment, it being then very dark in the hall.

Do you remember Alderman Camplin coming from the Magistrates' room, to the head of the stairs? I do.

Did he say any thing to the assembled people? He said, "shall we proceed to the Mansion-house, which is on fire, or to the Bishop's Palace, which is not on fire?"

Was there any answer made by the people? The general cry was, "The Bishop's Palace."

Was any thing said about a Magistrate? There was a general cry, then, for the Mayor to accompany them.

Did you after that see the Mayor? I did.

Where did you see the Mayor? On the top of the stairs.

Upon his appearance, was there any cry or shout? Yes, there were several cheers given.

What was said? Cheering him to accompany them.

About what time was this? I should think it was between eight and nine.

Upon the Mayor's coming, what did you and the assembled people do? The Mayor descended a few steps, and I thought was accompanying us.

Could you perceive by the light, whether any person in particular was walking with him? I did not.

You say, you thought the Mayor was accompanying you; what did you do with the rest? We immediately, upon his commencing to descend the stairs, left the Hall of the Council-house, to proceed to the Bishop's Palace.

Did you go in any order? Yes.

How? In rank and file, twos and threes.

As you went along, did you perceive whether the Mayor was with you or not? No, I did not see him afterwards.

Did you go to the Bishop's Palace? I did.

In doing that, your way would be through College-green, would it not? Through College-green.

As you passed through College-green, were there any troops there? I did not see any in College-green.

Was there any mob at that time in College-green? I did not notice any.

From College-green, I believe you pass under the arch-way? You do.

And then, after going on about twenty yards, you turn left to the Bishop's Palace? Yes.

Is the place that you come to after you pass the arch-way, called College-square, or lower College-green? Lower College-green.

When you turn to the left, you pass through an avenue, and you come to a gate, and that leads you to the Cloisters and the Bishop's Palace? Yes.

When you came into lower College-green, did you see any troops there? In the Palace-yard, if I may so term it, near to the Palace door, a detachment of the 3rd dragoon guards was drawn out.

When you came into the Palace-court, did you see any rioters? As we were entering the court, a great many persons were coming out who did not appear to be acting either offensively or defensively.

Did you go into the Palace? I did.

Did you experience any obstruction in going there? No, not any.

How long did you remain in the Palace? I should think, about twenty minutes, or from that to half an hour.

What induced you to leave it? A report was brought in that the troops had been withdrawn.

Did you, upon coming out, find that to be the case? I did.

Did you then meet another mob coming? I remember a collection of persons assembling, but that was not immediately there; that was at College-green; as we approached the arch-way leading into College-green, we met with a number of persons who were throwing stones.

In which direction did you go? I then took to the left direction; I did not proceed in that direction in consequence of that.

How many persons were with you at that time? I should think 50 or 60.

Could you at all see the number of the mob that assailed you with the stones? No, I could not get a distinct view of them.

Did you at any time after you left the Council-house, see the Mayor? No, I did not.

Cross-examined by Mr. Campbell.

Who suggested to you, that you should try to get fresh horses? I suggested it myself.

Did you mention it to any Magistrates before you went? I believe I did, but I am not positive.

Had you their sanction before going to try to find fresh horses? I did not consider it necessary to wait for their sanction; I thought I was doing my duty.

You think you mentioned it before you went? I think it is likely.

Did not you hear an offer made to Colonel Brereton, to find him fresh horses, and he refused to accept that offer? No, I did not.

Do not you know that the Mayor was followed by another party, almost immediately after you went with Alderman Camplin? No, I do not know that.

How many remained behind, when you went with Alderman Camplin? A great number of persons.

Did you hear Alderman Camplin say, "who will follow me," or something to that effect? No, I do not remember that.

How many were there, of your party, that went with Alderman Camplin to the Palace? I should think 50 or 60.

Had you staves? I had none myself.

Had some of them? I think some had.

Did those 50 or 60 continue at the Palace, until the military went? Yes, they did.

Why did they then go away? I conclude, from the same reason as I did myself, in consequence of the military being withdrawn.

When the military had withdrawn, was not there a large accession of strength, that came up, on the part of the mob, from College-green? No, not at the Palace; we met the mob as we were retreating.

Did not they go towards the Palace? They were approaching the Palace.

Could you have remained with safety any longer? I thought not.

Nor any of your party? I think so.

Did you see any body wounded, or know of any body being wounded? There were one or two men, who, I think, were injured by staves that were made use of in the Palace.

Were any of your party wounded? I am not aware of it.

Do you know Mr. Franklin? Yes, I do.

Was not he wounded? I am not aware of it.

Mr. WILLIAM PROTHEROE sworn.—Examined by Mr. ATTORNEY-GENERAL.

I believe you live at Park Row, Bristol? I did.

In last October you did? Yes.

Did you attend the Guildhall on Sunday, the 30th of October? I did.

About what hour? A little after eleven.

Did you go into the hall? Yes, I did.

Did you find any persons there? Several.

What class of persons? Very respectable.

Did you go in consequence of any notice? No, I was asked by Mr. Daniel Fripp to accompany him and others.

What was the disposition of those persons with regard to the defence of the city? Ready to do anything in their power to assist the Magistrates.

Did you find any Aldermen in any of the rooms there? I saw Mr. Alderman George Hilhouse.

Did you state to him anything about the persons at that meeting?—did you say what you were there for? Yes, we did, and many others; we asked him what we should do.

Lord TENTERDEN.—The Mayor was not there?

Mr. ATTORNEY-GENERAL.—No, but he had summoned the meeting; what was the answer given? Some of the parties said to Mr. Alderman Hilhouse, "are we to be armed?" his reply was, "my advice is, certainly not."

Were any particular kind of arms mentioned? I think staves.

Was that mentioned? It was mentioned certainly.

Did he say whether any proceedings had been determined upon? He said none had been determined upon.

After conversing with Mr. Alderman Hilhouse, did you go and join the meeting of gentlemen? I did, in the body of the hall.

Did other gentlemen come in, while you were there? Several.

Generally speaking, were they respectable men? Certainly, very much so.

How long did you remain in the hall, before you saw any Magistrate again? Perhaps twenty minutes.

Whom did you see then? Several Magistrates came on the Bench.

Before they came did you see Mr. Serjeant Ludlow? Yes.

Did he say anything respecting how the Magistrates were then employed? Yes; in receiving communications from various quarters.

Did he say anything to you gentlemen that were there? Yes.

What was it? I really do not recollect; but I recollect that the party were not satisfied with what Mr. Serjeant Ludlow said, and requested the presence of the Magistrates.

Several Magistrates came, I believe? They did.

Do you know whether the Mayor was one of them? He was not.

Did you receive any orders or directions? Mr. Alderman Daniel addressed us and said, that the Magistrates had not determined upon the measures best to be adopted, and requested we would again meet at four o'clock.

Was the Bridewell at all noticed at that time? Just as I was leaving the hall, word was brought that they had broken open the Bridewell, or were about doing it.

How long do you think you were at the hall? At that time, rather more than two hours.

Did you go by the Bridewell after you left the hall? I did.

Was it then demolished or demolishing? They were in the act of breaking it open.

Was the mob at that time large? Very great.

Did you return to the Council-house at a later period of the day? Yes, I did; I returned to Broad-street. The Guildhall and the Council-house are connected, and on my arrival at the Guildhall I found the parties had adjourned to the Council-house.

Did you go there? Yes, I did.

Lord Tenterden.—What time was it? About five o'clock.

Mr. Attorney-General.—Was Mr. Jenkins with you then? He was.

Had you some conference with some of the Magistrates, and with Colonel Brereton? Yes, I had.

Was there some search made for horses after that time? I saw Mr. Alderman Fripp and Mr. Alderman Camplin there, and Mr. Alderman Fripp requested I would go to the Bazaar and Repository to ascertain what number of horses they could furnish.

Did you go? Yes.

And made some report? Yes.

Were there any horses to be got? No.

Did you return to the Council-house after that time? Yes.

At what period? I think about seven.

Were there several Magistrates then there? Yes.

Do you recollect whether Major Mackworth arrived about that time? Yes, I had been at the Council-house nearly an hour before Major Mackworth arrived.

Did he make any application, when he came? I do not think that he did.

Did he state anything about the soldiers? Yes.

What did he say? He said, "we have soldiers sufficient here to clear the streets, if the civil power will occupy them afterwards, or keep possession of them afterwards."

Mr. Justice Littledale.—Who said that? Major Mackworth.

At the Council-house? Yes.

Lord Tenterden.—It was about eight o'clock? Yes.

Mr. Justice James Parke.—Keep possession or take possession? I rather think he meant that the civil power should act with the military.

Mr. Attorney-General.—Did he say take or keep? I do not remember the word.

Was any answer made to it? No.

Do you know Mr. Taunton, the Barrister? Yes.

Did he come in the course of that time? Yes.

When about was it? I think Mr. Taunton came about half an hour after Major Mackworth arrived.

Did Mr. Taunton offer any advice? Yes.

What was it? He suggested that the posse comitatus should be called out.

Was any direction given upon that? None.

What was said about it? Mr. Alderman Savage said, it was too late then to do it, but that it should be done early in the morning, or at least he should recommend it.

Was any hour of the morning mentioned? Six o'clock.

Was any observation made in the meeting upon that hour being mentioned? There was.

What was said? Several of the persons said, in the meantime the city may be burnt down.

Did the meeting separate soon after that? It did.

Was anything said about its adjourning before it separated? I do not recollect.

While you were there on the stairs, were there several other persons also there? Yes.

To what number, do you think? On the stairs and below, between 100 and 200.

Was anything said about the Mayor at that time? There was.

Sir JAMES SCARLETT.—Was it said in his presence?

Mr. ATTORNEY-GENERAL.—What was said in his absence may be evidence—suppose it was an offer made to assist the Mayor.

Sir JAMES SCARLETT.—It may be made evidence, but if it was anything hostile to the Mayor it cannot be evidence.

Mr. ATTORNEY-GENERAL.—Anything said at a meeting called by the Mayor cannot be contended not to be evidence.

Sir JAMES SCARLETT.—My learned friend has fixed this gentleman upon the stairs: he has not asked whether the Mayor was within hearing.

Lord TENTERDEN.—Or whether he was present.

Mr. ATTORNEY-GENERAL.—In consequence of what was said, did the Mayor make his appearance? Not at that time.

How soon afterwards? Very soon afterwards, upon going down stairs, I was asked by the persons below if the Mayor was in the Council-house? I told them I did not know, and they said, "will you go up, and enquire whether he is up stairs."

Were those persons summoned by the Mayor to come and give their advice and assistance?

Sir JAMES SCARLETT.—That is a commentary upon your own evidence that you might have spared.

Mr. ATTORNEY-GENERAL.—I ask the question, Did you go up to see whether the Mayor was there then? Yes, and I saw the Mayor.

Were other Magistrates in the room with him? Yes.

Did you speak to the Mayor? I did.

What did you say to him? I stated to him that it was the wish of the persons below that he should lead them to the Bishop's Palace.

What passed then? The Mayor addressed Mr. Serjeant Ludlow, and said, "will you go with me?"

What answer was made? Mr. Serjeant Ludlow assented.

Upon that was any thing done? I left the room.

Did any others come with you? The Mayor and Mr. Serjeant Ludlow.

Did you find the people still assembled on the stairs and in the passage? I did.

Was it communicated to them that the Mayor was coming? It was.

Was there any expression on their part, when that was stated? They cheered.

Do you mean shouted? Yes.

When you got to the bottom of the staircase, did you happen to look back for any thing? I did.

What did you see? I saw the Mayor and Mr. Serjeant Ludlow returning up the stairs.

Did you see where they went? No.

Did the parties go on with you? Immediately after Mr. Alderman Camplin presented himself, and said, "I will lead you."

Did he lead you? Yes.

To the Bishop's Palace? I did not see him at the Palace.

How far did he go with yon? I saw him as far as the Green.

What do you mean by the Green? College-green.

Is that the Upper Green? Yes.

Where the Cathedral is? Yes.

The Bishop's Palace is on a sort of Lower Green? Yes, it is.

How many persons were there led on by Mr. Alderman Camplin? Fifty or sixty I should think.

In what state did you find the Palace when you got there? It was in great confusion, the furniture very much broken.

Was there any mob there at that time? No, they had dispersed, I believe, and got under the arch immediately leading to the Bishop's Palace.

Did you see them dispersing? I did.

Did you see any soldiers there? Yes.

What were they doing? They were in the Palace court.

And the mob were dispersing? Yes.

You came from above? Yes.

The soldiers were in the court on the left hand, and the mob below were dispersing? Yes.

After that did you see any thing more of the mob at the Palace? After we had been at the Palace about twenty minutes, we were told that the mob were returning in considerable numbers.

Did they return? Yes, they did.

Was it necessary for you to retreat? It was.

And all the rest of the gentlemen? Yes.

Lord Tenterden.---The military were then gone?

Mr. Attorney-General.---The military were then gone.

Cross-examined by Sir James Scarlett.

I beg to ask you this---Was not it a notorious fact in the town, that the Mayor did go, and Mr. Serjeant Ludlow, and several other gentlemen, immediately after you, to the Bishop's Palace.

Mr. Attorney-General.---I object to that.

Lord Tenterden.---What is notorious in the town may be easily proved.

I did not know that till the following day, and then I was told it, but I will swear I did not know it till the following day.

Lord Tenterden.---He did not know it then, except as he was told.

Sir James Scarlett.---I hope it will be seen, by and by, that I have a reason for asking whether it was not notorious: the fact will be proved by and by. I do not expect that admission from my learned friend, after the course the prosecution has taken.

Lord Tenterden.---We see the object of it.

Sir James Scarlett.---You passed the Bridewell? I did not pass it; I was close to it.

You were asked whether you saw a considerable number of people; what time was this? About half-past one.

What were they doing? The greater part perfectly quiet.

Did you see what any of them were doing? No, I did not; I heard a considerable noise.

You say you were present at the conversation with Colonel Brereton? Yes, before I went for the horses.

Did you hear any statement to Colonel Brereton, that horses should be procured for him, if possible, as his horses were tired? Yes, I did.

Did you hear him say, unless they were trained horses they would not do? No, I did not hear that.

You were in the chamber of the Magistrates when this passed? Yes.

Did you not hear Colonel Brereton represent, if the 14th dragoons were recalled, the force would not be sufficient to preserve the peace of the town, and that their lives might be sacrificed? No, I did not; I left them conversing together.

What did you hear him say? I heard him say to Aldermen Fripp and Camplin, "our horses are completely tired, but our men are perfectly ready and willing."

Are you correct about the hour of the day that you saw Mr. Taunton? No, I am not; I cannot speak positively as to the hours.

At the period when Mr. Taunton was giving this advice, or shortly before, were you present at any difference of opinion among the gentlemen whether the soldiers should be used or not? No, I was not.

You did not hear Mr. Taunton's opinion expressed? No.

You say you went with Mr. Alderman Camplin and fifty others, and you heard, after some time, that the mob were coming in great numbers, and that the troops were withdrawn? Yes.

And then you came away? Yes.

What was your reason? We were reduced to fifteen or twenty persons.

Was it your opinion you could not stay with safety? It was.

Did you find any of your companions in the Court-yard? Yes.

How many did you find there? About fifteen or twenty, but it was very dark.

Was there any consultation among you, whether you should stay to defend the place or go off? No; there was an immense number of stones thrown upon us, and the opinion was, that the better way would be to make a general rush.

Was there any shout? Yes, I think there was.

I do not mean that you did it, but there was a shout? Yes.

To intimidate the mob, and force your way through? Yes.

Did you succeed? Yes.

Did you perceive the mob was very considerable? There was no time to look around.

At that time, in your opinion, would your fifty or sixty men have made head against the mob, when the military were gone? I think it very doubtful.

Re-examined by Mr. Attorney-General.

Was your party reduced, before the danger from the mob returning was known? I do not know: I was within the court.

The court was in fact cleared? Yes.

When you were there, you found the Palace out of the hands of the mob? Quite so.

Were there any plunderers within? Three or four had been discovered.

At that time did you take any persons within? No.

I mean when you were within? Yes, we took some.

Was there any necessity, at that time, for the whole of your party to remain together? No.

Mr. Justice Littledale.---How many of your party had staves? I observed men who had sticks.

Had you all sticks? I believe so.

You did not perceive any with staves? No.

Serjeant WILLIAM PLATTS sworn.---Examined by Mr. Solicitor-General.

I believe you hold the office of Staff-Sergeant and Clerk to the Bristol Recruiting District? Yes.

You held that office in October? Yes.

That office is in College-Green? It is.

Were you on duty at the office, on the afternoon or evening, about *five* or six o'clock, on Sunday the 30th of October last? I was.

Do you know the person of Mr. Pinney, the late Mayor of Bristol? Perfectly well.

Mr. Justice JAMES PARKE.---Where is the office? No. 9, College-green.

Mr. SOLICITOR-GENERAL.---Did Mr. Pinney, the Mayor, on that Sunday evening, either alone or in company with any other person, come to the Recruiting-office? He did.

Did he come alone? No, he did not; he came in company with five or six, thereabouts, I cannot say exactly; there might be more.

Do you know who these gentlemen, or other persons were, or any of them? I do not.

Did the Mayor address himself to you? He did.

What was his application to you? He asked if Colonel Brereton was there.

What was your answer? That he was not; that he was across the Green, at the Adjutant's quarters.

Did you state any thing further? That it was the Colonel's positive orders to me that if any person inquired for him, or wanted him, should I step over to him, and acquaint him thereof.

Upon giving that answer to the Mayor, did he make any reply to you? He did.

What was it? He forbade me, or said words to this effect---" No, no; we do not want him, we will do without him."

Do you recollect furnishing the Mayor, or the other gentlemen with him on that occasion, with pen, ink, and paper? I did.

Did they make use of them in your persence? They did.

State who wrote? I did not know any of the gentlemen excepting the Mayor.

Did the Mayor either write or dictate to any other peeson? He dictated occasionally.

A letter was written---do I understand you to state that the Mayor occasionally dictated that letter? There was a letter wrote, and he dictated it.

Upon the letter being written, were you directed to take it or send it any where? Not that letter I am alluding to, I was not.

Do you know what became of that letter? I do not.

Were any directions given to you, to send any message or messenger, by Mr. Pinney, or any of the persons there? Mr. Pinney requested me to furnish a person to carry a note to Clifton.

Were you desired, either by the Mayor, or any of the other persons in his presence, either to send a message, or take a message, or go to any other place? I was.

State what it was? " Go to Mr. Osborne's, in the Lower Green, and request that he would oblige a gentleman," I do not remember the name now, " with any sort of an old great coat and a pair of trowsers."

Was the message accordingly sent? I went myself.

Did you bring back any thing? Yes.

What was it? It was tied up in a bundle; it appeared to me to be the articles I went for.

Was any other person sent back with you from Mr. Osborne's? A servant of Mr. Osborne's.

Did you introduce that servant to Mr. Pinney and the other gentlemen, and did he deliver any message? I introduced him in consequence of the application Mr. Pinney made to me of being anxious to get a person to carry a note up to Clifton. I requested Mr. Osborne to furnish a person for that.

While Mr. Pinney and those persons were there, did Colonel Brereton make his appearance at the office? He did come there, but he was not there at that time.

Do you remember the time? It was about three-quarters of an hour afterwards.

Were you present at any conversation between Colonel Brereton and Mr. Pinney? I was not.

When did Colonel Brereton leave? About eight; at the time the Palace was attacked.

Had Mr. Pinney and the other gentlemen staid till that time? Yes, some of them; many were there.

Mr. Pinney staid? Yes.

Colonel Brereton went away? Yes, in consequence of a report of the Palace being about to be attacked.

Was Mr. Pinney in company with Colonel Brereton, at the time he went away, in your presence? I was not in the office at the moment the Colonel went away; I had been sent to the Livery Stables in College-street, I believe by Mr. Serjeant Ludlow, for the purpose of a note being conveyed to his country residence.

Were any directions given to you by Colonel Brereton in the hearing of Mr. Pinney, as to keeping guard? Yes, there was.

What were those directions? Directions were given that a sentry might be placed at the outer gate of the office, in order to apprize the Mayor, if the rioters made their approach in that direction.

Was Mr. Pinney the Mayor present, upon that occasion? He was, convenient to Colonel Brereton, and in his hearing.

In the hearing of what was said? Yes.

Do you recollect what the particular terms were, that were used by Colonel Brereton at that time? I remember no particular terms, other than that he ordered a sentry to be placed there.

Did he give any reason why you were to apprise the Mayor of the coming of the rioters? In order that he might make his escape.

Did any conversation then take place, in your hearing and presence, between the Mayor and the other persons with him, upon his mode of leaving the Recruiting office? I heard them consult upon the mode of quitting it.

State what the conversation was? Caution was given, I will not say whether from the Mayor, or the other gentlemen, that they should not depart all at once, but that one, or two, or three at a time should go out.

Did the Mayor then leave the Recruiting-office? He did.

Did you afterwards, in the course of that evening, see the Mayor again? I did.

Did he return to the Recruiting-office? He did.

State the time? It probably might be an hour—I am not exact as to the time; it was within an hour I believe.

He returned back to the Recruiting-office? Yes.

Did he return alone, or in company with any other persons? I saw one gentleman in company with him; there might be others, but I saw one.

Did you know him? I did not.

Do you know whether he was one of the persons that had left the Recruiting-office with the Mayor before? I do not know that.

At the time the Mayor returned the second time, were you in the Recruiting-office, and in what position were you? I was in one of the back premises of the house, not in any part of the office.

Were you at any window? At a back window.

Did the window command a view of the Palace? Of the Palace-yard.

What became of the Mayor at the time he returned? He was shewn up into the room where I was; I made way for him, and the other gentleman; he looked through the window for some time, and retired again.

How long did the Mayor and this other person remain at the window at the Recruiting-office ? Only a few minutes.

Had you an opportunity of observing the state and condition of the mind and manner of the Mayor, and the person with him ? Not at that particular time, for the room was partially dark.

Upon the occasion of the first visit of the Mayor with those persons you have mentioned, had you an opportunity of observing the state and condition of the Mayor ? Yes, upon their entrance I had ; they appeared very much agitated.

Describe what you mean by much agitated ? In a state of alarm I mean.

Was the Bishop's Palace then on fire ? It was not—not that I could perceive—at the second time of the Mayor's return do you mean ?

Was the Bishop's Palace on fire the second time they came ? It was not on fire the second time, that I could perceive, but I have reason to believe it was on fire then, though it did not burst out till afterwards ; the first time it was not attacked when they came.

Did the Mayor, or any of the other persons in his presence, while at the Recruiting-office, either on the first or second visit, make any enquiry, or ask any question as to the mode of escaping ? They did.

Be so good as to state it to the Jury ? Whether there was any mode of escaping backwards.

Upon which visit was it ? On their departure after their first visit, or rather previous to it.

Who asked that question, do you recollect ? I cannot positively say—the Mayor was present, and the other gentlemen about.

When the Mayor and the other person who was with him upon the second visit left the Recruiting-office, that is all you know about them ? Yes.

Cross-examined by Sir James Scarlett.

Should you know know any of the gentlemen who came upon the first visit, if you saw them ?—look at this gentleman here. I would not pledge myself that I could affirm that.

Look at these two gentlemen,—[pointing to Messrs. Burges and Brice.]—They might be there, I cannot say.

Had it been raining very hard ? It had.

Were they wet, any of them ? They were wet, as a matter of course.

Which of them desired you to enquire for a great coat, and a pair of trousers—that enormous offence ? I said I could not say the name.

The Mayor is a very little man ? He is a man I knew long before.

He is a very little man ? He is a man of low stature.

Very few gentlemen's great coats would fit him ? I have not stated I went for those articles for the Mayor.

Nor have you said that some gentlemen sent for them in order to get dry things ? He did not state to me what was the purpose.

You could not guess ? I am not to guess upon my oath.

Do you not upon your oath believe that you were sent for them because the gentleman was wet ? The gentlemen were all wet ; I do not know that he was more wet than the rest.

How far were they from Mr. Osborne's house ? Eighty or a hundred paces.

Then some person of them began to write a letter that the Mayor dictated ? They began before I went out.

You heard the Mayor dictating,—did you hear what he said ? I took no note of what he said, it was not my duty.

Did you take note enough to know to whom it was to be addressed ? No, I never did.

Do not be angry with me,—are you accurate about the time? Not positive; it was about six, or probably after.

And the second time, you say, it was about eight; it might be after eight? It was about eight when they left—the Palace was attacked about eight.

About what was the second time the Mayor came? He was not an hour away, probably not half an hour.

Do you not know the gentleman that came with him? No, the room that I was in was dark, and there was no candle; it was a back room.

He staid a short time? Yes.

Was any enquiry made a second time as to the mode of escape? No, they departed without making any observation whatever in my hearing.

Where was Colonel Brereton at that time, do you know? I cannot speak positively,—I believe in the College-yard;—no, he had left the Palace-yard—I cannot say where he was.

Do you not remember that when Colonel Brereton came in, the Mayor was there the first time?—was not the letter that had been written, read to Colonel Brereton in your presence? Certainly not.

SAMUEL DINIDGE sworn.—Examined by Mr. Serjeant WILDE.

Are you a Serjeant, acting in the recruiting district at Bristol? I was.

Were you on duty on Sunday, the 30th of October? I was.

Were you sent with a letter from the recruiting officer, to the Council-house, to the Mayor, about that time? I was not.

Were you sent to the Council-house at all? I was.

With a letter, or message? A message.

Did you go to the Council-house? Yes.

What time was this? Between five and six on Sunday.

Did you see the Mayor? I was sent to the Sheriff—Mr. Under Sheriff Hare.

Did you deliver your message? I did.

How long did you remain at the Council-house? More than half an hour, I should think.

Did you then go back to the recruiting-office? I did.

On your return, did you find any sentinel at the gate? I found one sentry at the gate.

Was that Serjeant M'Leod? Yes.

On your going into the office, or any of the apartments connected with it, did you see the Mayor? Not at first.

How soon afterwards? I saw some gentlemen in the left hand office in the act of writing; I could not say that they were Magistrates.

Did you afterwards see the Mayor? Yes.

How soon after your return did you see the Mayor, at the Recruiting-office? Not till after the return of Colonel Brereton.

Do you know whether the Mayor had come in after your return, or whether he was upon the premises, at the time of your return? He might have been there at the time.

How long was it after your return from the Council-house? I cannot say positively; more than half an hour.

How many gentlemen were with him? There were several gentlemen; but I did not think to stop and count them, in the upper room, with Colonel Brereton in conversation.

Whilst they were there, was there any cry of "the mob," or any thing about the Palace? Whilst they were there, I was sent by Colonel Brereton, to find out in what direction the mob were, and what were their intentions.

Did you return, and make any report? I went as far as the Exchange, or thereabout, and met part of the mob coming down, and I then returned to the office.

What report did you make? I made a report to Colonel Brereton, in the presence of the Mayor, that the mob were approaching, and that their threats were to destroy the Palace.

Upon your making that report, did the Mayor ask you any question? Not at that time.

How soon after? I was ordered then to get Colonel Brereton's horse; Colonel Brereton left the room; and I left the Mayor and the rest of the gentlemen, in the room.

Did you fetch Colonel Brereton's horse, and then return? Yes.

How long might that occupy? Not more than a quarter of an hour, or so much? Did you find the Mayor, or any of the gentlemen, upon the premises? Not in the room, but in the court-yard, in front of the premises.

Did the Mayor then ask you any question? I was asked by the Mayor, or, at least, I conceived it to be his voice—it was in the dark—was there any way of escaping besides that of the front gate.

What answer did you give? I said not.

Go on, and state slowly what passed? And, in continuation of that, I proposed going up a few steps at the left hand corner of the gate, on coming out, to observe whether the mob was coming nearer hand, when I was ordered to descend.

What was said when you were ordered to descend? "You had better not get up there, or we shall be observed from that elevated situation;" by whom that was said I am not able to state. I next proposed going out at the front gate, to see if the mob were at hand, when I was desired to be cautious, and not to be seen.

Were there any other persons upon the premises, when you went out, except the gentlemen you have been speaking of—the Mayor, and the gentlemen with him? There were several besides.

In the same party? Yes, eight or ten.

Was there any other person besides? No, but the sentry at the gate, and Serjeant Platts.

How did those persons, whoever they were, go away? By twos or by threes, leaving the Mayor till nearly the last.

Did the Mayor return at all to the office, that night? He did.

How soon after did you see him there again? Something better than half an hour.

Lord Tenterden.—The same fact was spoken to by the last witness.

Mr. Serjeant Wilde.—When the Mayor came back, upon that occasion, how many persons were with him? Two gentlemen.

Did you see the Palace on fire that night? I did, but not at that time.

Was it on fire during any part of the time that the Mayor or the gentlemen were there with him? It might have been on fire, but not visible from the office.

How long did the Mayor remain, this second time? Not very long; I shewed him into the office, into the room in which the staff-serjeant Platts was; I then returned to the gate, and left them there.

Upon this second occasion, when the Mayor came, what enquiry did he make? I do not recollect that any enquiry was made in particular.

What did they say when they came? I do not recollect any words in particular, more than enquiring what was going on.

How soon after this did you see Captain Codrington? I should think more than an hour.

I will first ask you, in what way did the Mayor and gentlemen go away the second time? In the same way as before.

You say you saw Captain Codrington; how soon after? Perhaps an hour after or more; it might be more than an hour, or less.

Had he his troop with him? He had formed his troop up in front of the office, and had dismounted, and then come into the office.

At that time had you received any information about Captain Codrington and his troop? Not any.

Did you, at any time afterwards, receive a letter from the Mayor? I did.

What time was it? It was after twelve.

And some billets? A precept for billets.

Cross-examined by Mr. Campbell.

Just recollect, and tell me whether it was not the second time the gentlemen came to the office, the Sunday evening, that they were alarmed, and enquired about the means of escape? It was the first time.

Will you swear it was not the second time they came? It might have been on the second time, but it was the first time also.

That you swear? Yes.

Do you recollect whether Mr. Burges and Mr. Brice, sitting before me, were two of the gentlemen? One was a tall gentleman.

Look at this gentleman. I believe he brought a message to me afterwards; I do know that he was one of the gentlemen that came with Mr. Pinney.

Do you recollect whether Mr. Burges was one of them? I do not: it was a tall gentleman, and a short gentleman.

Do you recollect Mr. Brice accompanying you, when you went in search of Colonel Brereton? Yes, I recollect that.

Was not there a man, under the archway of the Palace, at that time, who was shouting? I did not go in that direction.

Did you not see, at that time, the man under the archway of the Palace, and did not that man shout in your hearing? We did not go in that direction.

You did not hear it? I do not recollect it.

Did you not then say, "there go the fire boys,—they are good fellows, and will do nobody any harm?" Never; I deny it

"I have drank three-half pints of beer with them, at different times to night?" That I had not done.

Did you say that? I could not.

Did you say that, or words to that effect? I did not.

Did you receive any letter from Mr. Brice, about 12 o'clock that Sunday night? Mr. Brice came to me to Colonel Brereton's quarters about that time.

Was it delivered to Colonel Brereton at that time? No, it was between 12 and 1 it was delivered to him.

It was delivered to him at that time? Not to him in person; it was delivered to Adjutant Francis, at Colonel Brereton's quarters.

How far is the office from the Palace? Round by the row, it is rather better than about 200 paces from the front gate of our office.

Did the mob, in going and coming, pass by the office door? Some of them must have done it.

Had you your uniform on? I had some of it.

Mr. SAMUEL OVIATT GOLDNEY sworn.—Examined by Mr. Coleridge.

On the Sunday night of the Bristol riots, were you in Queen-square about two in the morning? I was.

Did you observe, at that time, the number and condition of the mob? I did.

It was after midnight I speak of? Yes.

About what was their number at that time? The number actually engaged in rioting, I should consider from 50 to 100.

In consequence of that, did you go to the Council-house? I did.

For what purpose? The finding the Magistrates.

Did you see Mr. Garrard, the Chamberlain, there? I did.

Inside or outside? Inside.

Did you make enquiry for either of the Magistrates? I enquired if the Magistrates were there.

Could you find any Magistrate there? They were not there.

Did you then go to Leigh's Livery Stables? I did.

Was that the quarters of the 3rd dragoons? It was.

Did you apply for the military there? I did.

Did you see any officer there? I saw Cornet Kelson.

Did you state to him the purpose for which you came? I did.

To communicate the state of the mob in the square? I did.

Did you see any of the horses, or the dragoons? I saw them all.

Were they mounted? They were standing by their horses.

Did Cornet Kelson agree to go with you, or did he say any thing was necessary? He said he was waiting there for orders, but was quite ready and willing.

Did you go to procure orders? Yes.

Where? To Mr. Daniel Fripp, in Berkeley-square,

What made you go to his house? I had heard the Mayor was there.

Do you remember from whom you heard that? I cannot say.

In coming to his house, did you knock? Yes.

Whom did you see? Mr. Daniel Fripp looked out of one of the up-stairs windows.

About what time was this you got there? About half-past two, or perhaps later; about that time.

Did Mr. Fripp come down to you? He said, "Who is there;" I said, "I wish to see the Mayor;" he said, "I will come down:" he came down, and asked my name, and I told him, and he then opened the door. I then asked him, if the Mayor was there; he hesitated a little; I said, "Sir, is he here, or is he not?" he said, "He is here;" I said, "I wish to see him."

Sir James Scarlett,—I submit this conversation with Mr. Fripp is no evidence against the Mayor.

Mr. Coleridge.—We shall shew a communication made by the Mayor to Mr. Goldney.

Sir James Scarlett.—I am satisfied.

Mr. Coleridge.—In consequence of what you said to Mr. Fripp, did he go up stairs.

Lord Tenderden.—I think we must hear it; he goes to the house to see the Mayor. I told Mr. Fripp I wanted to see the Mayor; he said, "What do you want with him?" I told him the state of the city, and the circumstances, and what I had seen of it, and that I had been at Leigh's Bazaar; and he asked me to walk into the front parlour, and he went up stairs to the Mayor.

Mr. Coleridge.—You say you told him the circumstances? I told him what I conceived to be the state of the square and of the riots; that I thought they could be put down by a small force—a small organized force.

You say you made this communication to Mr. Fripp, and he went up stairs; did you desire him to communicate to the Mayor what you had stated to him? I did.

Did Mr. Fripp come down again to you? In about ten minutes or a quarter of an hour afterwards, with a note.

Did Mr. Fripp give you that note? Yes, he did.

To whom did you carry it? To Captain Warrington, of the 3rd dragoon guards.

Where did you see Captain Warrington?

Mr. Justice LITTLEDALE.—Did you tell him you had seen Cornet Kelson? Yes, I did; I told him I had seen an officer,—I did not then know his name.

Mr. COLERIDGE.—Where did you see Captain Warrington? At Leigh's Stables.

Was that note read over in your presence by Capt. Warrington? It was.

[A paper was handed to the witness.]

Mr. COLERIDGE.—A copy is admitted to be read.

Mr. CAMPBELL.—Then read it at once.

[The same was handed in, and read as follows.]

Addressed "To Colonel Brereton, or the Commanding Officer of His Majesty's Troops in Bristol," signed "CHARLES PINNEY, Mayor."

"Bristol, Sunday morning, 3 o'clock.

"Sir,—I direct you, as Commanding Officer of His Majesty's troops, to take the most vigorous and decisive means in your power to quell the existing riot, and prevent the further destruction of property."

You did not see the Mayor? I did not.

When Mr. Fripp delivered you that note, did he say any thing? Yes.

What did he say? Here is what you want; and you are particularly requested not to say where the Mayor is.

Was any one with you? Mr. Wintour Harris.

In consequence of that letter being delivered, di Captain Warrington march at that time with the dragoons? Not immediately.

At what time do you suppose it was you delivered the letter to him? Almost immediately on receiving it.

What distance is it from Mr. Fripp's? Four or five hundred yards.

How did you go? I ran all the way; it was a little after three o'clock.

You have mentioned the message you received; did you say any thing to Mr. Fripp in answer to it? No, I did not; I left immediately.

In the course of that night, between that and the morning, was the place of the Mayor's stay enquired of by any one? It was.

Did you communicate it? I did not.

Cross-examined by Sir JAMES SCARLETT.

Do you not know that Mr. Fripp was anxious for his own safety? He may have been; it is very possible, I should think.

Did you know that the Mayor had been refused admission into several houses from apprehension? I did not.

Do you know it now? I have heard it since, that he was refused admission into one house, not into several. I have not heard it in Court?

In Bristol, I mean? No.

Can you remember the precise words of Mr. Fripp? I have stated the precise words, as near as I can recollect.

Mr. Fripp would not let you in, till he knew your name; and when he knew your name, he let you in, and told you the Mayor was there? Yes.

You had heard before that the Mayor was there? Yes; but how, I do not know; it was almost a matter of chance.

Had you been aware that the Mayor had written a letter to Col. Brereton before that? No, I was not aware of it.

You say, you took this letter to Capt. Warrington? Yes.

How came you to take it to him, instead of Col. Brereton? It was directed to Col. Brereton, or the officer in command of the troops. I had ascertained that Col. Brereton was not to be found.

Where had you ascertained that? I had heard several people say so; I had asked for him at the Bazaar, and they said he was not there, nor did they know where he was.

Did you go to any other place to enquire for him? I did not.

You did not go to his lodgings, to enquire for him? I did not.

Nor to the Recruiting office? No, I did not.

Were not you referred, at Leigh's Bazaar, to the one or the other? No, I was not; afterwards, when I brought the letter back to Captain Warrington, he refused to open the letter; he said he did not know where Colonel Brereton was, but he would be back by six in the morning.

About what time in the morning might it be, you gave it to Captain Warrington? About three o'clock, within a few minutes.

Mr. WINTOUR HARRIS sworn.—Examined by Mr. ATTORNEY-GENERAL.

Were you with Mr. Goldney in Queen-square, on the night of the Sunday? Yes, I was.

Did you go with Mr. Goldney to seek the Mayor, or a Magistrate? I did.

We understand you went to Mr. Fripp's, in Berkeley-square? We did.

Do you remember what it was that led you to go there? We went into the square about two o'clock in the morning, and from the number of rioters assembled there, we were convinced, ———

You thought it necessary to seek a Magistrate? We were convinced that a very small force would put down the riot, and we were induced to go to the Council-house, to seek a Magistrate.

Not finding one there, you went to Mr. Fripp? Yes.

There was a knocking at the door, I suppose; where was the answer given from? From an upstairs window.

Did either of you state what you wished? Mr. Goldney stated he wished to see the Mayor, and asked if he was there.

What was done then? Mr. Fripp came down stairs, and asked his name, and what we wanted, and upon Mr. Goldney saying who he was, he let him in.

Did you go in too? I did.

When you were in, did Mr. Goldney say any thing to Mr. Fripp? He told him the state of things in the square, and Mr. Fripp said he would communicate it to the Mayor, and went up stairs.

Ho long do you think he remained up stairs? Twenty minutes, I should think.

And afterwards came down with a note that was taken to Captain Warrington? Yes.

When that note was given, was it accompanied by any observation? Yes,

What was it? You are particularly requested not to say where the Mayor is.

How far is Berkeley-square from Queen-square? Not quite half a mile, but very near it,—about half a mile.

It goes out of Park-street, does not it? Berkeley Square does.

Which is a long respectable street? Yes.

Up hill a good deal? Yes.

Was there any rioting in Berkeley-square? None whatever.

Sir JAMES SCARLETT.—I have not objected to the evidence of the last witness, but I hope it will not be conceived by any body, that the Mayor was aware of the statement made by Mr. Fripp.

Mr. ATTORNEY-GENERAL.—My question is, whether there was any danger in Berkeley-square.

Lord TENTERDEN.—The witness has said, there was no disturbance there.

Cross-examined by Mr. CAMPBELL.

Berkeley Square is in the city of Bristol? Yes.

Is not the present Mansion-house, near Berkely-square? It is in the middle of the street leading to Park-street.

That is not far from Mr. Fripp's house? Not more than four or five hundred yards.

Not so far as the old Mansion-house? It is about 300 yards.

The present Mansion-house is in a street leading to Park-street? Yes.

Mr. JAMES BUSH sworn.—Examined by Mr. SHEPHERD.

Were you residing in Bristol in October last? I was.

On Sunday, the 30th of that month, about half past eleven o'clock, did you see the Mayor? Yes, I did.

Was it eleven at night or in the morning? In the morning.

Was it in the Guildhall-chamber? Yes.

Did he give you a letter? He did.

Did he tell you to whom you were to take the letter? Yes.

To whom? To Capt. Codrington.

To where? To Dodington.

I believe you went in a chaise to Dodington, and arrived about half past two? Yes.

Lord TENTERDEN.—What colour was the jacket of the man who drove the chaise?—why do you not ask that? I think it was a yellow one.

Mr. SHEPHERD.—Did you see him read the letter? I did.

Did you afterwards go to Tetbury? I did.

Was that by the desire of Capt. Codrington? Yes, it was by the desire of Capt. Codrington.

What did you do there? did you communicate any thing? By Captain Codrington's request, I took another letter to Capt. Estcourt, at Estcourt house, near Tetbury.

You left a letter at Capt. Estcourt's? Yes.

Did you go to any other officer? I then went to Lieut. Paul, and to Col. Lilford: both those persons were out, but I left a message, that there were serious riots at Bristol, and I was desired by Capt. Codrington to leave that message.

At what time did you return to Bristol? About eight or nine o'clock.

Did you go to the Guildhall? Yes, I did.

Did you see any Magistrate there? The door was shut,—I could not gain admittance.

Did you then go to the Council-house? Yes.

Did you gain admittance? I knocked at the door, and a person came to the door; I asked for a Magistrate, and they told me there was no Magistrate there.

Sometime after that, did you again return to the Conncil-house? I did.

Did you gain admittance at that time? I did.

How was that? I believe it was through Mr. Sheriff Bengough; and by his interest they opened the door; he was known to them,—I was not.

This was about what time at night? I am not certain about the time all through the evening, but I believe it was between ten and eleven o'clock, when I gained admittance there.

Did you see the Magistrates there? I saw Mr. Alderman George Hilhouse there and Mr. Alderman James George.

Had yon seen Captain Codrington's troop on your return to Bristol? I had not.

Had you, in the course of that day, passed the troop of Capt. Codrington? I passed the troop of Captain Codrington about a mile on the Bristol road.

From Bristol? Coming towards Bristol.

Did you communicate that fact to the Magistrates at the Council-house? I did.

Cross-examined by Sir JAMES SCARLETT.

You say the Mayor gave you a letter at about eleven o'clock on the Sunday morning? Yes.

Had you seen the Mayor before that on Sunday? Yes, I did.

I believe you met the Mayor in the street? Yes, between eight and nine o'clock that morning.

Did he appear to be in his evening dress? He appeared to be exceedingly fatigued; his hat was covered with dirt, and he appeared as if he had been up all the evening,—all the night previously.

Did he give you any directions? He requested I should go to the Mansion-house immediately.

Did you know where he was going, or did you see where he went? He said, he was calling upon every person he met to go there.

Did you go to the Mansion-house? I did not.

Why did you not go there? I had a message from Mr. Bush at Clifton, requesting me to attend there.

Did you see where the Mayor went? He went into the Commercial-rooms.

Did you go with him? No.

Where did you see him first? At the Guildhall-chambers.

Where had you got the information of this corps of Yeomanry? From Mr. Bush, at Clifton.

Did you carry that information to the Mayor? I did to Mr. Sheriff Bengough, and he mentioned it to the Mayor.

And then he gave you the letter? Yes.

You say you first went to the Guildhall and then to the Council-house, and somebody came to the door and asked who you were; you asked for a Magistrate, and they said no one was there? Yes.

How long was it after that you met Mr. Sheriff Bengough? About an hour.

He went with you? Yes.

When he went with you did you not find a great many people there, 60 or 70? The lobby was full of persons.

Were not those persons assembled there to defend the Council-house? I believe they were.

Therefore no persons let in but those they knew? I believe not.

Do you know whether the Council-house is the place where the muniments of the Corporation are kept? It is.

You told Mr. Alderman Hilhouse that Captain Codrington was probably coming? I told him I had passed them about a mile off, and I expected them immediately.

You have not told us what he said? He said nothing to me.

When you were near the Council-house on Sunday evening, was any part of the mob near there? Part of the mob came there, I suppose from Bridewell, while I was standing near the Exchange.

What time was that? It was between the time when I first went to the Council-house, and when I saw Mr. Bengough.

Was it near the Council-house? Yes.

Was it near the Clare-street entrance? It was near the Corn-street entrance.

Did they halt there? Yes.

What shouts did you hear? They came up, apparently to me, in an organized body, and a person in the mob said "halt."

Did they halt? They did, immediately.

What number of them might there be? About thirty of them.

When they halted, what further passed? They said, "where now," and another voice said, "to the Bishop's Palace," and the same then said "where next," and the person then said, "we will then give the old Alderman a benefit."

Who was the old Alderman? I should presume Alderman Daniel.

Mr. Alderman Daniel is a very aged gentleman? Yes, he is.

Above seventy years of age? I should think he is.

Did they then pass on? Yes, they did, but they threw some stones at the windows.

What windows? The Council-house windows.

How soon might that be after you left the Council-house? It might be from half an hour to three quarters of an hour.

Between the time you had been there, and met Mr. Bengough? Yes.

Where does the old Alderman live? He lives in the country, at Henbury, his residence in Bristol is in Berkeley-square.

Mr. Justice LITTLEDALE.—It is past five o'clock, and the Court will now adjourn.

[Adjourned to Monday morning, 10 o'clock.]

FOURTH DAY.—MONDAY, 29th October, 1832.

Lord TENTERDEN was absent from indisposition. The Jury were called over, and were all present.

Mr. BENJAMIN RALPH sworn.—Examined by Mr. WIGHTMAN.

Did you reside in Wellington-street, Bristol, in October last? In Wellington-place, not in Bristol.

On Sunday morning, in consequence of something you heard, did you go to the Guildhall? On Sunday morning, between seven and eight o'clock, I heard there was a riot in the city.

Did you, at any time on that morning, go to the Guildhall? I did.

About what time did you go first? Soon after twelve o'clock,—soon after I left my place of worship.

Did you find any Magistrates there at that time? I did not go into the hall, but into the room adjoining the hall.

Were there many persons waiting there? There were a great number of persons waiting there; I should suppose from twenty to thirty, and a great number in Broad-street.

For what purpose did you go to the Guildhall yourself? I went for the purpose of protecting the city from riot.

Did you get any directions from any Magistrates, or any body, at that time, what to do? I did not.

Did you go away? I did.

Did you see any Magistrate there? I did not.

Did you leave the Guildhall then? I heard in the Guildhall———

Have the goodness to answer the question? I left the Guildhall to go and see where the riot was.

Did you on that same day return to the Guildhall again? I did, twice.

At what o'clock did you return there the second time? Nearly one.

Was the door of the Guildhall closed or opened at that time? Both times the large doors were shut.

Did you see many persons waiting in the street? There were, I should suppose, in and out, upwards of two hundred.

Of what class were they apparently,—respectable or otherwise? Respectable.

Did you get into the Guildhall? I did not; I could have got in.

Did you go for the same purpose as before?

Sir JAMES SCARLETT.—No; ask him for what purpose he went.

Mr. WIGHTMAN.—For what purpose did you go then? To see, in case they had come to any decision, what was to be done.

Did you get any directions then what to do? I did not.

You say you went to the Guildhall a third time, I think? I did.

At what time was that? I suppose about a quarter to four—from half-past three to four o'clock.

Was the large door closed then? It was.

Were there a number of persons waiting then also? A great number.

Did they appear to you to be respectable or otherwise? They were respectable tradesmen; I knew a great number of them.

Did you get into the Guildhall then? I did.

Did you meet Mr. Isaac Cooke? I did, on my entrance into the Guildhall chamber, formerly the Mulberry-tree Court.

Was he coming away? When I went in, I saw Mr. Cooke, and I asked him———

Just have the goodness to attend to my question; was he coming away at that time? He was.

Were there other persons coming away with him? There were.

Did you then go into the Guildhall? I did not then.

Soon after? In a few minutes I went in.

Did you find the Mayor there? I did not find the Mayor, but he was in the hall.

Did you see him there? I saw him coming out; I wanted to see him.

Were there any gentlemen with him? Mr. Sangar and Mr. Watson.

Did you, or the persons who were there, receive any directions what to do? I wanted to speak to the Mayor, but they pushed him along, as in a hurry to go somewhere, and I could not.

Did you, or the persons who were with you, receive directions at that time? I did not.

You went away, I believe? I went to Mr. Stuckey's bank.

Did you go that night, at any time, to the Council-house? I did, severa times.

What o'clock was it when you went first? I cannot speak to the time precisely, because I thought it proper to leave my watch at home, but I should think it was about ten o'clock.

Did you get in? I did.

Was the front door open or closed? The front door was closed; I went in at the side entrance from Broad-street.

When you got into the hall of the Council-house, did you find any constables there? I did.

About how many? Really I cannot exactly say how many; I should think there might be thirty there; there is an inner room there.

Was the Chamberlain, Mr. Garrard, there? He was, and very attentive.

Did you see any Magistrate there? I did not.

Did you then go from the Council-house into the street in which it stands? I did.

Did you see any yeomanry cavalry there at that time? Not at that time.

How soon after? Perhaps an hour after.

Were they near the Council-house when you saw them? They were drawn up in front of the Council-house, in Corn-street.

Did they make any enquiries for any person? I did not hear them.

Did you go to the Council-house while they were drawn up? I went first to the soldiers, to know whether they waited for orders, or whether they waited for billets.

Did you learn from them what they were waiting for? They told me they were waiting for orders.

Orders from whom, did you learn? They said they were waiting for a Magistrate.

Did you go to the door of the Council-house? I went in.

Whom did you see when you went in? I saw the constables, and I saw one of the officers, and Mr. Garrard, the chamberlain.

Mr. Justice LITTLEDALE.—Whom did you see? I saw one of the Magistrate's officers—one of the Mayor's officers—I did not hear his name; I knew him by person very well.

Mr. WIGHTMAN.—Had you any difficulty in getting in? I gave my name, and the door was opened.

Whom did you see at the door? I saw a man at the door, and I gave my name; and as soon as they spoke to the Chamberlain, and gave my name, I was admitted.

Did you enquire for a Magistrate? Yes.

What passed? He said there was no Magistrate there; that he was left to defend the Guildhall, as there was valuable property there.

Sir JAMES SCARLETT.—You mean the Council-house? Yes; I said I was left to defend the Bank, but that I was so near, that, if I saw any danger, I would come to them instantly.

Did you then leave the Council-house? I did.

Were the soldiers there, or did you see them go away? I did not see them go away, but I saw them when I came out.

Did you go from thence to the Bishop's Palace? I went from thence to the Bank again.

Did you then go to the Bishop's Palace? I went back to the Council-house first.

At what o'clock was it you went to the Council-house? I think about twelve.

Did you make any enquiry for a Magistrate then? I think I did—I am not certain.

Did you find one there? I did not.

Did you then go to the Bishop's Palace? I met Mr. James Livett, the solicitor, and asked him to go with me to see what was done,—to take a walk, to see what we could do at the Bishop's Palace.

At that time was the Palace on fire? It was burnt.

Had the Chapter-house then been attacked? They were in the Chapter-house, breaking the book-cases down, and taking out the books, and forming a line to throw them into the flames.

Was there an attempt made to set the Chapter-house on fire while you were there? A number of times.

Did you and some persons about you endeavour to prevent their setting it on fire? I helped there some gentlemen,—Mr. James Livett particularly.

Did you and some persons about you endeavour to prevent their setting it on fire? We did prevent it.

You succeeded? Yes, we succeeded in throwing the fire out several times.

Was the Chapter-house saved? It was saved.

From the Bishop's Palace, did you go again to the Council-house? We did.

Did you see the Chamberlain? I did.

About what time of night might that be? I should think it might be near one o'clock—very near one.

Did you enquire again for a Magistrate? I did.

Did you find one? I did not.

Did you go to different places to look for a Magistrate? I did.

Did you find one? I did not.

Did you then go to Queen-square? I did go to Queen-square.

At the time you got to Queen-square, were many of the houses on fire? The last time I went to Queen-square, the west side was on fire.

Did you see Mr. Lawes's house burnt? I saw that they were coming near Mr. Lawes's house, and I saw it afterwards attacked, and the coruer house.

Was that a house that was saved ultimately? The two houses were saved.

Mr. Lawes's house was saved? It was.

Did any of the mob get into Mr. Lawes's house? They did.

About how many did you see in the house? The parlour and the school below, and the upper part, were as full as they could be.

You do not know how many? I do not.

Did you yourself go up stairs? I did.

Did you succeed in turning them out of the house? I did.

Was that house saved? It was.

What was the other house you have mentioned; whose house was that? The other was the corner house, I think the name is Bosanquet, or some curious name.

Was that attacked while you were there? It was set on fire, and I stopped it.

Did you succeed ultimately in saving that house? The only two houses that are now standing on that side,—the west side.

At what time was that? I should think that might be about four o'clock in the morning, as near as I can judge, not having a watch with me.

What number of persons do you believe were in this other house, at the time? Upon my word I cannot judge; but there were a great many about there, carrying away the property—how many I really cannot say; I thought I saw a light there; and I ran up stairs to see that there was nothing amiss at the top, and I met a man coming down stairs, and it was all in a blaze, and in endeavouring to put it out I was nearly suffocated; another young man brought a carpet, and covered it over, and we got a few buckets of water, and put it out.

In Mr. Lawes's house did you see a man taking wine? I did.

Did you attack him? I beg to say, that that house I left in charge of another.

Will you answer my question? I did attack him.

Did you strike him a blow? I certainly was a little angry, and I did.

Did you take the wine from him? Yes, I did.

And turned him out? Yes, I did.

Whilst you were there, what number of persons, in your judgment, might have been sufficient to have saved the different houses that were attacked? If I had had five and twenty good men, I would have saved all the west end of the square; that is my opinion.

Cross-examined by Sir James Scarlett.

At that time five and twenty men, you think, might have done it? I do.

At that time the rioters were very much diminished in number, were they not? They were diminished; they were all boys and women.

Many had perished in the flames, in the other houses? There may have been some.

Was there any great crowd in the city, at that time? Not in the morning part.

I speak of four o'clock? Yes, there was at that time.

What were they doing? They were standing and drinking; I paid very little attention to what they were doing; all I required was help.

Did you get any to help you? I got a few.

In the earlier parts of the night, when you were there, the crowd was greater, was not it? I was not there till the morning part,—I think nearly one o'clock.

I call that night, you call that morning; at one o'clock in the morning, the crowd was much greater, was not it? The crowd was not so great as it must have been the first time I went down.

There was a vast crowd there at one o'clock? Yes.

Much shouting? I did not hear that.

How were they employed? Rolling about quite intoxicated, and others plundering in every direction.

We will come to the first part of your statement;—you say you went in the morning to Guildhall, in consequence of the notice you received? I did.

What notice was that? A notice given out from the pulpit, by the minister, addressed to all able-bodied men capable of rendering any service, that the Magistrates requested them to attend at the Guildhall.

Was that a meeting you were at, or a church? The meeting at Broadmead, the place of the late Rev. Robert Hall.

How soon did you go there? As soon as I put my family in a carriage I went home; I should think not more than ten minutes or a quarter past twelve.

You have been asked, and many others, about the door of the Guildhall being shut; if you knew the town of Bristol? you will know that they are generally shut, except when there is a sessions. Not when there is any public business; there is no entrance at all into the hall, except when there is public business.

How did you afterwards get in at the great door? I was going towards the great door, and they said it was not open, but that there was a way in through an entrance which I knew there was, and I went there.

There is a well-known entrance through the side? There is an entrance which I knew well; I do not know that it is well known.

How long did you stay there the first time? Perhaps I might be there a quarter of an hour, or twenty minutes.

Did you enter at all the first time? I went into the porch, adjoining St. George's Chapel.

Was it there you saw about twenty persons? We found that the Magistrates were there, consulting.

When you were asked whether you found the Magistrates, we understood you to mean, that there was no Magistrate there at all? Oh no; I do not think any one could understand that so, except yourself; for I think I explained it very clearly, that the Magistrates were then consulting.

No, you were not asked the question; you were asked, "did you find the Magistrates," and you answered "No" quite naturally, in answer to the question? I wish to do it.

I am not blaming you, by any means;—how long did you stay that first time? I might be there about a quarter of an hour, or twenty minutes.

You returned again about one? Nearly one.

Where did you go that time; did you go again into the side door? I did not go in then, only to the entrance, and I found there was nothing done; I was told there was nothing done.

Then you went away? I did.

I am not in the least blaming you—how many people did you find there? There were a great number of people.

You called 20 or 30 a great number just now, and so is five hundred? That was in the room I called 20 or 30 a great number.

How many did you find? I cannot say how many inside,—there were perhaps 50 to 100 at the time outside.

Did you hear any discussion among the persons there, about the military not being employed? I did not; I heard the military had fired, and a great deal of disapprobation upon that principle; and when I found they had fired without any person giving them orders, I thought it my duty then to retire home, which I did.

By the military, you mean the 14th Light Dragoons? Yes, I heard a great deal of disapprobation that morning, in consequence of their shooting a man at the top of the Pithay.

When you went the third time, you met Mr. Isaac Cooke coming away? I did.

And several persons with him? I did.

How many persons came away with him? I did not particularly see how many, but there might be three or four, or more, he told me he would not stay any longer.

Then you went in to speak to the Mayor, and he was hurried away by persons who were with him? It was a few minutes after that I went into the hall, it was getting rather dark—near four o'clock, and I heard the voice, I believe, of Mr. Webb Hall, addressing 20 or 30 persons—I understood—I did not go away in consequence of my wish to see the Mayor—I said that I had some plan to arrange that I thought could attract the attention of the rabble, and we might prevent the riot.

You did not see him? I did see him in a few minutes afterwards.

You say he was pushed past you by a number of persons? He was taken by the arm, as if they were desirous of his going to some place.

Therefore, you did not mention that plan? I did not, he was in a hurry, and they were hurrying him along.

Did your plan embrace the use of the military? I do not know what it was;—no.

You went to the Council-house at night? I did.

The Chamberlain knew you, I suppose? Perfectly.

I think you said that the Chamberlain told you he was left with the people who were there, to defend the Council-house? Yes, he did.

Do you know whether the Council-house contained the muniments of the Corporation, their deeds, and their papers? I am certain that there are a very great number of them there.

Did you see whether the Chamberlain was employed in removing them to a place of safety? I did not, but I saw him at his post to defend it.

Mr. Attorney-General.—We will now put in the statement which the Mayor sent to the Secretary of State.

The same was delivered and read, dated Council-house, the 4th of November, 1831.

"My Lord,—The gaol delivery having been fixed for Saturday, the 29th of October, it soon became evident to the Magistrates, as well from reports circulated in the city, and placards upon the walls, as also from paragraphs in the newspapers, expressing the disapprobation of the friends of Reform with respect to Sir Charles Wetherell's conduct in Parliament—that a strong public feeling would be excited against him, and that this might be expected to manifest itself on his arrival, and during his stay in the city. The Magistrates, therefore, took into their consideration the propriety of making a communication to Sir Charles on the subject, and of submitting to him whether, under the circumstances, it would be advisable to postpone the gaol delivery. A deputation accordingly waited upon him in London, to make this representation, and ascertain his decision; and in case it should be determined to hold the gaol delivery, to make a communication to the Secretary of State, and request that a military force might be sent to assist and support the civil authorities in protecting the city, and preserving the public peace. It having been decided on that the gaol delivery ought to be held as usual, the proposed application was at once made to your Lordship, and your Lordship having assented to the views of the Magistrates, but wishing to see the deputation again on the subject, you were accordingly waited upon by them and Sir Charles Wetherell on the following day. Your Lordship having then sanctioned the opinion of the Magistrates, as to the propriety of holding the gaol delivery in the usual form, and having directed that troops should be sent to the vicinity of the city, and placed under the orders of the Magistrates, upon the express understanding, however, that their services should not be required except in case of actual necessity, and the failure of the civil power to maintain the peace,—the Magistrates, accordingly, took such measures as appeared to be necessary for increasing the constabulary force. Upon application to the inhabitants of the several wards, their returns were insufficient for the number required, and such deficiency was immediately

supplied by engaging hired constables for the purpose. The whole, with the Sheriff's officers, amounted to about 300 men. On Thursday, the 27th, the Magistrates issued and published the address contained in the appendix No. 1. On the 29th, the Sheriffs met the Recorder at ten in the forenoon (being much earlier than the usual hour) at the distance of about one mile from the Guildhall, and much nearer to it than the usual place of meeting. These precautions, which were adopted in the hope that they might lessen the difficulties of Sir Charles Wetherell's coming in, had not altogether the desired effect. The number of persons assembled was much larger than upon former occasions, and considerable tumult and pressure took place. Sir Charles was assailed with violent groans, hisses, and other strong expressions of disapprobation, and occasionally by stones thrown at him, from the time of his being first received by the Sheriffs, to his arrival at the Guildhall,—and again in proceeding from thence to the Mansion House, after having completed the usual formalities of reading the Charter, and adjourning the Court. In passing from one place to another, the constables experienced great pressure and annoyance, and were frequently struck with stones, and several of them were considerably wounded. They however performed the duty assigned to them, and Sir Charles reached the Mansion House in perfect safety about noon. The crowd assembled in front of the Mansion-house continued there for some hours, without any indication of riot, except by expressing their disapprobation as they had before done, and by occasional skirmishes, which took place when the constables endeavoured to apprehend persons in the act of throwing stones, or to disperse those who shewed a disposition to be more forward than the others. This state of things having continued until nearly dusk, the numbers from time to time varying, and their behaviour being occasionally more or less tumultuous—and it appearing some of them had, in the meantime, provided themselves with sticks, the Mayor, accompanied by the Magistrates, went out in front of the Mansion-house, and addressed the people, remonstrating with them on the impropriety of their conduct—pointing out to them the danger of persisting in it—earnestly entreating them to disperse, and go home quietly—and stating to them the necessity of the Magistrates using stronger measures unless this recommendation should have the desired effect. Stones were thrown at the Magistrates while this address was being made, one of which struck the person who was standing next to the Mayor, and knocked off his hat. But the earnest desire of the Magistrates to abstain from using force until the last possible moment, prevented them from having recourse to it until some time had elapsed. About five o'clock, however, upon the approach of evening, the number of people appearing to be considerably increased, and their conduct becoming greatly more violent, the doors and windows of the Mansion-house having been attacked with stones, and several of the constables having been brought in severely wounded, the Riot Act was read; and this appearing to have no effect, an order was sent to the troops, who had been before directed to hold themselves in readiness to come at once to the scene of action. In the interval of more than half an hour, which took place before their arrival, the Mayor, and those who were with him at the Mansion-house, were in the greatest personal danger. The people on the outside had driven in the constables, torn up the iron railings in front of the house, and with stones and large pieces of timber battered in the windows and window-frames, and the pannels of the doors, and were with the greatest difficulty prevented from forcing a complete entrance, by having the windows and doors barricaded, with beds and furniture. They had entered into the dining room, and another room on the ground floor, and destroyed the contents, and had made such a breach in the large street door, as enabled them to rake and sweep the hall with stones and large bars of wood; and they had, as it appears, provided and placed straw in the dining room, for the apparent purpose of setting fire to the house. Upon the appearance of the

soldiers, the people withdrew from the attack, but did not disperse, and directions were given to Colonel Brereton, who came to the Magistrates for orders, to get the streets cleared. They, however, still continued to occupy the courts of the adjoinine houses, and the corners of the square, near the Mansion-house, in considerable numbers, throwing stones at the windows, and at the 14th dragoons, two of whom were brought in wounded. Colonel Brereton came in from time to time to report to the Magistrates, and it appeared from his statement that the people were in very good humour,—that he had been shaking hands with them until his own arm was tired,—that their number was lessening,—and that he should shortly disperse them by merely riding the troops about. It appeared, however, to the Magistrates, that their number was rather increasing than diminished, and that their conduct was tumultuous and violent, as they still continued to assail the house by throwing stones, and attempted to force their way into the kitchen, and other parts of the building, and the Magistrates considered it necessary to have the people dispersed. Colonel Brereton was asked if he had any directions which prevented him from acting under the orders of the Magistrates, and answered that his orders were to be under their directions, upon which he was told that the Magistrates required him to clear the streets. The people were soon after driven from the square without any cut or wound being inflicted, and they retreated to the neighbouring streets, in one of which the soldiers of the 14th dragoons were exposed to great annoyance by being pelted with stones and being unable to follow the people with effect, as they retreated across the Quay to the ships, the lamps having been put out, and it being quite dark. Upon one of the officers of the 14th dragoons coming in to complain of this, and stating that the troops would be uselessly sacrificed, and asking for permission to fire, one of the special constables offered to go, with a party of twenty-five men, if they could be supported by the soldiers, and dislodge them; but this was given up upon Colonel Brereton suggesting, that in his opinion they would soon become quiet, and go to their homes, if they were left unmolested, and saying he would be answerable for the peace of the city, and would patrole it during the night. The Magistrates recommended the Sheriffs to call out the civil power of the county, and requested Capt. Shute, of the Bedminster troop of North Somerset Yeoman Cavalry, to collect as many of his troop as he could, in readiness, by the next day. It appears, that during the night, there had been some further violence, and insult towards the 14th dragoons, at some distance from the square, which in the result led to a man being shot; some few persons continued in the square all night. Early in the morning, they began to collect rapidly, and by seven o'clock there were many hundreds assembled. Colonel Brereton called at the Mansion-house and ordered home the few soldiers who remained there; shortly after which the people commenced another attack upon the Mansion-house, and tore down the barricadoes which had been fixed during the night, and entered in full force into the house. The Mayor and one of the Sheriffs with difficulty escaped over the roof and got to the Guildhall; the troops were recalled, and the people again withdrew, but retained possession of the cellar, and drank the liquors. About half past ten, the 14th again returned to their quarters, being followed by the mob and pelted with stones, which they returned by firing several shots in College-green; notwithstanding which the mob continued to pelt and insult them, up to their very quarters. The Riot Act had been read three times by one of the Aldermen, who remained on the spot and addressed the mob, and entreated them to return to their houses, and soon afterwards the Alderman, in a conversation with Colonel Brereton, requested the troops might fire, but the Colonel said, that the troops would not, and should not fire; it would be of no avail, and the mob would be so infuriated, that they might overcome the troops, and the city be given up to slaughter. The Colonel said it would be better

to keep the mob in temper, until the next morning, when a reinforcement of troops might be expected. Upon the arrival of the Mayor at the Guildhall, a notice was issued apprising the citizens that the Riot Act had been read, as stated in the Appendix No. 2, also a notice, Appendix No. 3, requesting a meeting of the citizens at the Guildhall, to assist in restoring the peace of the city; the Mayor also gave notice that Sir Charles Wetherell had left the city, which circumstance took place soon after the first attack upon the Mansion-house; Sir Charles having retired to a house at some distance, and by the advice of the Magistrates, withdrawn from the city. About 11 o'clock, intelligence was brought to the Guildhall, that the mob were proceeding in considerable force to the City Bridewell, with the declared purpose of setting at liberty some prisoners who had been taken into custody and committed thereto, on the Saturday. At this time the special constables being principally tradesmen of the city, who had been on duty from eight o'clock on the Saturday morning, had returned to their houses, and only a few of the citizens had answered the Mayor's request, by coming to the Guildhall, and those who did attend, expressed their readiness to act, if they were supported by the troops, but at the same time their unwillingness to risk their lives, unless they could be so supported. At this time, Colonel Brereton applied to the Magistrates for their authority to send the two troops of the 14th dragoons out of town, stating that the mob were so exasperated with them in consequence of their having fired, that the lives of every man of them would be sacrificed if they remained. He was distinctly told by the Magistrates, that they could not authorize or consent to this, and that if he sent them away, he must be personally responsible; he also stated that those troops, as well as the 3rd dragoon guards, were harrassed and fatigued, as well men as horses, and could not render any assistance or take any duty for some time. The Magistrates remonstrated with him against this proposal, as the city would be left in a defenceless state, and as the Colonel still insisted on the absolute necessity of the measure, he requested the Magistrates to point out quarters for the men, at the distance of two or three miles from the city, which the Magistrates therefore did, informing him, at the same time, that they could not relieve him from his responsibility in this respect, or be considered as sanctioning, in any manner, the proposed removal of the troops; he insisted, also, on the necessity of refreshing the 3rd dragoon guards, and it is believed, ordered most of them to quarters for that purpose. In a short time after this, (the mob having carried Bridewell by force, and liberated the prisoners, and set it on fire, and being about, as was alleged, to proceed to the City Gaol for the like purpose,) several citizens having, by this time, assembled at the Guildhall in pursuance of the Mayor's requisition, and being called upon to give their assistance, stated in Colonel Brereton's presence, that they would not act unless supported by the military. Colonel Brereton was again peremptorily desired to call out the troops immediately, and again gave for an answer, that he could not do it, as their lives would be sacrificed, without being able to do any good. The mob proceeded, as was expected, and succeeded in getting possession of that prison. Two of the Magistrates having gone down with such civil force as they could collect, were driven back, the particulars of which, and the conduct of such of the troops as were brought out on that occasion, are detailed in the account furnished by the Sheriffs, in the statement which forms the Appendix marked No. 4. It appears, that with reference to sending the 14th Dragoons out of the city, the officers and men were very unwilling to go; that they were by no means in a state which made them quite unfit for service, and were anxious to be actively employed, but Colonel Brereton informed them, that it was the order of the Magistrates they should go, and go they must. The mob having succeeded in liberating all the prisoners from the Gaol, proceeded for the same purpose, and with the same object, to the prison of Lawford's-gate, situated in the county of Gloucester, bnt in the immediate vicinity of

Bristol, where they effected the same work of demolition and liberation. The Magistrates, by this time, had established themselves as well as they could, in the Council-house; the Sheriffs and a party of the citizens remaining at the Guildhall, between both which places a constant communication was maintained, but no sufficient force, either of citizens or special constables, could be obtained to enable the Magistrates to engage in further conflict, after the result of the endeavour to relieve the Gaol. About this time an attempt was made to set fire to the back of the Mansion-house, and there being six soldiers in the square at the front, the circumstance was communicated to them, with a request that they would shew themselves at the back, in order to prevent it, which they refused, alleging their orders were confined to keeping the front of the Mansion-house clear. From Lawford's Gate, the mob proceeded in two divisions, to the Bishop's Palace; and the Mayor with several persons, who had been with him during the day, and followed by as many citizens as could be collected, went down to the scene of action, having given orders for all the troops which could be brought out, to be there. The first division of the mob having entered, were followed by many of the special constables and the soldiers, who formed inside the court, and it was hoped the ringleaders might be secured, but just as the citizens came in contact with them, the main body of the mob were heard advancing; the Mayor and the few persons who were with him, between the two bodies, with difficulty passed through them, and the constables who had attempted to secure some of the mob, on looking to the place where the soldiers had been posted, in the hope of finding support, observed that the soldiers were gone, and finding themselves deserted, got away as they could, declaring that they would not again venture their lives. The Palace was immediately set on fire, and consumed. This was followed by the firing of two complete sides of Queen-square, containing nearly forty houses, including the Mansion-house, the Custom-house, and the Excise-office. During all this time, it will be seen that the Magistrates were wholly without any sufficient means of protection or defence, the mob appearing to have had complete possession of the city. There was no interval, during which, the Mayor and Magistrates were not at their post, except for a short time after their being driven from the Bishop's Palace, and retiring to a private house in Berkeley-square, of which notice was almost immediately given to Colonel Brereton, as stated in the Appendix Nos. 5 and 6. About four o'clock, one of the Magistrates went to the quarters of the 3d dragoon guards, and stated to the officer in command the situation of the square, saying, that the whole of it would be consumed, unless military assistance was instantly afforded. He expressed his readiness to attend, but said he would only furnish twenty-four men. He mentioned that a letter had been received from the Mayor. This appeared to be the Letter No. 6 in the Appendix. The officer, at the desire of the Magistrate, went with him to Colonel Brereton's lodgings, the door of the Military Office having been before tried in vain. The Colonel, upon being called up, and the circumstance stated, said, it was of no use to take out those jaded troops,—they could do no good,—what could they do against such a mob? He was, however, strongly and repeatedly urged, and consented to order out the troops. In about ten minutes they were out; and on proceeding to the square, found, in Princes-street, a warehouse in flames, and a mob of about 6 or 700 persons in front of it, which the troops dispersed by charging up the street. On arriving in the square, the mob, consisting of about 600 more, were just commencing an attack upon the first two houses, on the third side of the square, two entire sides being in flames. The mob had entered the corner house with fire, and were battering the windows and door of the next to it. The troops formed in front of the two houses; the mob did not disperse, but continued round the soldiers. The fire in the corner house was extinguished and cleared, and, from the arrival of the troops in the square no attempt was

made to attack or set fire to any house. About six o'clock the mob had separated into small parties of twenty or thirty, in different parts of the square, which the soldiers were occasionally employed in dispersing. Upon one of those occasions a soldier was wounded by a shot fired by the mob, and by a little activity on the part of the soldiers, the streets were ultimately cleared. In the mean time, having sent to Gloucester and other places for assistance, and the two troops of the 14th having been brought into the city from their country quarters, and Major Beckwith having arrived from Gloucester, and taken the command of them, and receiving directions from the Magistrates to disperse the mob, wherever they were found to be assembled in force, they were vigorously attacked. By these measures, and the arrival of a considerable number of troops of yeomanry, from different parts of the country, the city was soon restored to a state of comparative peace and security.

"I have laid before your Lordship, as simply and shortly as possible, an outline of the principal transactions which have taken place in this city, wishing to avoid comment or observation upon them. I believe every fact detailed can be fully verified; if any part of the statement should appear to require explanation, I shall be most happy to afford it, as I also shall be to continue the detail at any subsequent period.

"I have the honour to be, my Lord,

"Your Lordship's obedient, humble Servant,

"CHARLES PINNEY, Mayor."

"*To the Right Honourable*
*Lord Viscount Melbourne,*
*Secretary of State, &c. &c.*"

APPENDIX No. 1.

"Council House, Bristol, 27th October, 1831.

"It being apprehended from information received through various channels, that some indiscreet persons may be inclined to promote feelings of irritation and excitement, on the arrival of the Recorder in this city, the Mayor and Aldermen most earnestly hope, that all classes of their fellow-citizens, however they may differ on political subjects, will see the propriety of cordially co-operating to maintain peace and good order, and that they will abstain from manifesting any declaration of their opinions on so solemn and important an occasion as the delivery of His Majesty's Gaol, in cases affecting the lives of the persons to be tried for offences against the laws of their country. The Magistrates confidently trust that they may rely on the good sense and discretion of the inhabitants, not to depart from that orderly conduct which has hitherto prevailed in the city; but should any disposition be shewn tending to create disturbance, they feel it will become their imperative duty to use all lawful means for the apprehending and bringing to punishment all persons who may be found committing any breach of the peace, or other illegal act.

"By order of the Mayor and Aldermen,

"LUDLOW, Town Clerk."

No. 2.

"Council House, Bristol, Sunday, 30th October, 1831.

"The Riot Act has been read three times. All persons tumultuously assembling, are guilty of capital felony.

"Sunday, October 30th, 1831. By order of the Mayor."

No. 3.

"The Magistrates most earnestly entreat the assistance of their Fellow Citizens to restore the peace of the city, by assembling immediately at the Guildhall.

"Sunday morning, half-past ten o'clock."

No. 4.

"The Sheriffs of Bristol having been called on by the Magistrates to report upon the circumstances of the attack upon the Gaol, have instituted an enquiry into those circumstances, and find that the Governor, having received information on Sunday afternoon, about one o'clock, that the mob had attacked Bridewell, immediately resorted to the Mansion-house, to inform the Magistrates of the circumstances of the case and to require assistance, when he found that the mob had obtained possession of the house, and that the Magistrates were gone up to the Guildhall. On his arrival there, two of the Aldermen, Mr. Hilhouse and Mr. Savage, offered to accompany him back, and having collected about thirty of the citizens and constables, they proceeded to the Gaol, which is a building surrounded by a wall of very considerable circumference, and although high, yet exposed to be scaled in every direction. The party, on arrival, found upwards of 15,000 persons, surrounding the Gaol, and in front of the portal or entrance, and on coming round towards the portal, they were attacked by stones and missiles of every description; several of the party severely hurt; Mr. Little, the Under-sheriff's partner, dangerously wounded with a sledge hammer, and the whole division scattered; and an entrance was thereupon effected at the portal, by the mob, who were provided with tools they had obtained in their way to the Gaol, by breaking open an iron-monger and anchor-smith's shop. That immediately after the mob entered, about twenty-four of the 3rd Dragoon Guards came towards the spot, at a slow pace, and as the troops approached, the mob fled in all directions. The troops moved to the front of the Gaol, but as they took no offensive measures, the populace again drew near to it, there being then about 100 persons of the mob within the walls. The Governor, who had taken shelter from the mob, at a house immediately close to the Gaol wall, saw the Guards approach, and went towards them, when he saw them returning, without stopping at all, or interfering with the mob,—the people cheering them, and some of the soldiery waving their gloves in return. The mob then obtained complete possession of the Gaol, liberated the prisoners, set fire to the Governor's house, which is consumed, and retained possession of the Gaol until Monday morning; when the Cavalry having dispersed the people in the adjoining square, the possession of the building was recovered. The Sheriffs have also to report that the damage done to the Gaol itself is inconsiderable, with the exception of the destruction of the Governor's house.

"GEORGE BENGOUGH, Sheriff,
"JOSEPH LAX, Sheriff.

"Bristol, 4th Nov. 1831.

"*To the Mayor and Magistrates of Bristol.*"

No. 5.

"The Mayor of Bristol desires Colonel Brereton to consider himself fully authorized to take whatever steps, and give whatever orders he, as the military commander of the troops in this city, may think fit to restore and preserve, as far as possible, the public peace.

"The Riot Act has been read three times to-day; Colonel Brereton will have the goodness to consider this order to apply not only to the troops at present under his command, but to any which may subsequently arrive in this city.

"CHARLES PINNEY, Mayor.

"*Mr. Daniel Fripp's, No. 30, Berkeley-square,*
*Sunday night, twelve o'clock, 30th October,* 1831.

"The Mayor of Bristol begs to inform Colonel Brereton that if he should have occcasion for the orders of a Magistrate, either the Mayor or some other Magistrate will be found at No. 30, Berkeley-square, Mr. Daniel Fripp's, the second house on the right hand on turning into the square from Park-street.

"Berkeley-square, twelve o'clock Sunday night."

"This communication is made to Lieut.-Col. Brereton, in consequence of Lieutenant Macclesfield calling at the Council-house and requesting to see a Magistrate. Colonel Brereton was gone out when a call was made at the Staff Station to inform him as above.

Sir JAMES SCARLETT.—Lieut. Macclesfield is a mistake for M'Leroth?
Mr. ATTORNEY-GENERAL.—Yes.

No. 6.

"Bristol, Monday morning, three o'clock, October 31st, 1831.

"SIR,—I direct you, as commanding officer of his Majesty's troops, to take the most vigorous, effective, and decisive measures in your power to quell the existing riot, and prevent further destruction of property.

"I am, Sir,

"Your obedient Servant,

"CHARLES PINNEY, Mayor.

"*To Colonel Brereton, or the Commanding Officer of his Majesty's Troops, Bristol.*

"Per Mr. Goldney, Mr. W. Harris, Jun."

Mr. ATTORNEY-GENERAL.—There is another statement addressed to Lord Hill;—we will read that.

The same was read as follows:—

"Council-house, Bristol, 4th Nov. 1831.

"My Lord,—I feel it to be my duty, as Mayor and Chief Magistrate of the city of Bristol, to lay before your Lordship a statement of a few facts, relating to the unhappy transactions which have lately taken place in this city. Three troops of cavalry had been, upon the application of the Magistrates, sent to the neighbourhood before the 29th of October, in order to assist in maintaining the public peace, on the occasion of Sir Charles Wetherell (as Recorder) coming here to hold the gaol delivery on that day. The public entry of Sir Charles into the city, the reading the Charter at the Guildhall, and Sir Charles's arrival at the Mansion-house, had been effected by about twelve o'clock, without having had recourse to the troops; and Colonel Brereton, upon his application soon afterwards for orders, was told to keep them in readiness for immediate service when called upon: the mob, which had accompanied Sir Charles, having continued in front of the Mansion-house, and occasionally thrown stones at the windows, and having been in other respects noisy and violent; about five o'clock, the constables having gone to the assistance of a man who was in danger, at a distance of a few doors, two of them being brought in considerably wounded, and being ultimately driven into the Mansion-house, a violent attack was made by the mob upon the building—the iron railing in front was torn up—the pannels of the doors were forced—and the window frames beaten in. The constables being unable to maintain possession of the hall, in consequence of the brick-bats, stones, and pieces of timber, by which it was raked, the mob effected an entrance, destroyed all the furniture in the rooms on the ground floor, and, as it appears, had provided and placed a quantity of straw in one of the rooms. Three dispatches were sent for the troops, who arrived about forty minutes after they had been sent for, and relieved the persons in the Mansion-house from their critical situation.

On the arrival of the troops, the mob retired from the door, but continued to occupy the ground in front in great numbers, at a very short distance; and as soon as the troops had passed the street, the mob returned again close under the windows of the Mansion-house, but without renewing any attempt to force an entrance. Colonel Brereton was directed by the Magistrates to clear the streets, disperse the mob, and preserve the peace of the city. The troops under his direction continued at a slow trot to march round the square in which the Mansion-house is situated, and the communicating streets. The mob cheered the soldiers, and sung 'God save the King;' and it appears that Colonel Brereton addressed them, and shook hands with many of them. The mob continued at intervals to throw stones at the windows of the Mansion-house, in different directions, and in a short time two soldiers of the 14th dragoons were brought in wounded—one of them considerably. The Riot Act had been read at least two hours before; and upon these acts of violence continuing, the Magistrates urged Colonel Brereton to proceed with more effect in getting peace restored: he dissuaded the Magistrates from directing a greater degree of force to be used, expressing his opinion that the mob appeared to be very good humoured, and that he hoped and expected very shortly to get them away. In consequence of the disinclination he manifested, he was asked if he had any directions from your Lordship, which prevented him from acting under the Magistrates' orders; to which he answered—"My orders are to take the directions of the Magistrates;" and in reply to this it was stated to him, that the Magistrates' directions were to clear the streets, and to get the city into a state of quiet.

"A charge in the interior of the square was made, which in a few minutes dispersed the mob, and they retreated to a place called the Quay, to which the soldiers followed them, and were assailed by stones; they had before put out the lamps; and one of the cavalry officers came to the Magistrates to know if he might fire some rounds of cartridges down the street, as the mob, by retreating into ships when driven by the cavalry to the brink of the Quay, preserved the means of annoyance, and rendered it impossible for the cavalry to get at them. One of the special constables proposed, with five-and-twenty men, if supported by the soldiers, to go and clear the ships, but this was given up, as was any further use of active force, it appearing, upon Colonel Brereton's statement, that they seemed to be peaceably inclined, and that he expected, if they were left to themselves, the city would be quiet; the military therefore continued merely to patrol the streets, and, with the exception of one short conflict, during which one of the rioters was shot by a soldier of the 14th, it is believed there was no disturbance until the morning. At day-break the people began again to assemble near the Mansion-house, in considerable numbers. About eight o'clock, and shortly after the soldiers were removed from the house, a violent attack with stones and iron-bars was made upon the Mansion-house, which had been barricadoed with planks during the night, and made as secure as circumstances would permit, and the mob were upon the point of forcing an entrance, when I, with some others, left the house by going over the roofs; the mob immediately after entered, and took possession. Sometime before my leaving the house, Colonel Brereton had withdrawn the troops, having mentioned that the few troops there had no other effect than that of attracting the mob, without being able to render any service, and that they were much harrassed, and must go to their quarters. Very soon after the troops had withdrawn, the mob entered the Mansion-house, got possession of the cellars, and became intoxicated; and within thirty or forty minutes after the troops had been sent to the stables, they were again called for, but, except a small party of the 3rd dragoon guards, did not stay long, and the mob having followed and pelted the 14th, four or five shots were discharged upon them. Soon after this, I and several Magistrates being assembled at the Guildhall, Colonel Brereton applied to us for our authority to withdraw the 14th from the city, stating that they were so

much harrassed, and had so much exasperated the feelings of the public, that they could not remain except at the peril of their lives. Col. Brereton was told in answer, that the Magistrates not only could not authorize him to do so, but directed it not to be done, saying that the military had been sent down for the protection of the city, and that the persons and property of the inhabitants could not be protected without them. Colonel Brereton stated, that their staying would be utterly useless; they were harrassed and worn out, and wanted refreshment, and were altogether insufficient in their present condition, and that it would be many hours before they would be fit for service again. He was told, if he sent them off, it must be done upon his own responsibility, and that the Magistrates would not relieve him from it: at the same time, upon his asking where it would be best for them to go, it was stated that the Magistrates would not embarrass him if they could not assist him, and, subject to his responsibility, recommending Brislington as the nearest quarters.

"Soon after this, information was brought that the mob was proceeding to Bridewell to release the prisoners, and several of the inhabitants having assembled at the Guildhall, in pursuance of a requisition of the Magistrates, they refused to act without the assistance of the troops; Colonel Brereton was desired to bring the troops into immediate service, and some time afterwards was asked, before the citizens, if he had ordered out the 14th as well as the 3rd dragoon guards; he stated that he had not, and could not do so—they would be useless—and it would endanger their lives. He was remonstrated with upon this, and told expressly that the Magistrates demanded and required their protection. I find, that upon his going to the quarters of the 14th, and desiring them to go out of town, they were unwilling to do so, and expressed the utmost readiness to act, but that they were told by the Colonel that it was the Magistrates' orders, and that they must go. I find, also, that the horses, at that time, were by no means in a state incapable of service. From this time up to eight o'clock in the evening, at which time the Bishop's Palace was fired and destroyed, and the mob had set fire to the Mansion-house, (in the mean time the gaols of Newgate, Bridewell, and Lawford's Gate having been fired, and the prisoners discharged,) the Magistrates had no assistance from the military, and, as I believe, no effort whatever was made to render any, except that some soldiers marched to the Gaol, when it was first attacked, which, I believe, might have been successfully defended, if the troops had not almost immediately retired, and except, also, that a few troops went to the Bishop's Palace, in aid of the constables, and withdrew from it when the constables came in contact with the mob, and also, except about six or eight men who patrolled near the Mansion-house, having gone to the Bishop's Palace upon the first alarm, with several of the special constables, and they having been, as I understood, in contact with the mob, and having been disappointed by the retirement of the troops just about the time when a fresh body of the mob were coming up, I went to the house of a friend in the neighbourhood, from which, in the course of the night, (first at twelve and afterwards at three o'clock in the morning,) I sent urgent requisitions to Colonel Brereton for assistance. Not only the Mansion-house and Custom-house were burning, but other houses had been set on fire, and by the time the troops were taken down to the spot, through the personal application of a Magistrate, two sides of the square, consisting of nearly forty houses, were burning, but upon their coming down, the mob desisted from further attempts.

"On Monday, Major Beckwith, of the 14th, came from Gloucester, and, the division of the 14th having been brought back, took the command of the cavalry, and, under the sanction of the Magistrates, charged the mob wherever they were assembled in bodies, speedily dispersed them, and in a great measure restored peace and security to the city.

"I have considered it proper, with the concurrence of my brother Magistrates, to submit this statement to your consideration, not intending to make any charge or insinuation against anybody; but thinking it proper that the causes of such an awful calamity as the city has experienced should be enquired into.

"I have every reason to believe that the conduct of the soldiers and their officers was entitled to your Lordship's approbation; but I doubt very much, whether the military assistance afforded to us by his Majesty's Government was employed as it might have been, and as the pressing exigency of the case required. I have the honour to be, my Lord,

"Your Lordship's very obedient humble servant,
"CHARLES PINNEY, Mayor.

"*To the Right Hon. Lord Hill, &c. &c. &c.*

Captain WILLIAM CODRINGTON sworn.—Examined by Mr. ATTORNEY-GENERAL.

I believe you lived at Dodington, in October last? Yes.

How far is that from Bristol? About fifty miles.

Dodington Park is your father's? It is.

On Sunday, the 30th of October, did you receive a note from the Mayor and Magistrates of Bristol? Yes, about half after two.

Have you got it? No.

What has become of it? I do not know; I have made a search for it.

What was the purport of that note? Saying that the city was in a lamentable state, and requesting me to bring my troop as soon as possible; I therefore sent out in every direction, and got them together as quickly as I could.

Did you also send the messenger to apply for the attendance of another troop, from Tetbury? Yes, I sent the same messenger on to Capt. Estcourt.

What number of men did you collect? Fifty-seven.

And yourself made fifty-eight, I believe? Yes.

Did you set off with them to Bristol? We marched about half after six.

Half after six in the afternoon? Yes.

At what time did you arrive at Brisiol? At about a quarter before ten I formed my troop at the Council-house, and sent in to the Council-house, to apprise the Mayor of our arrival.

How came you to go there for the Mayor? Because the letter I received from the Mayor was dated, I believe, from the Council-house; I am not certain whether it was the Council-house or the Guildhall; it was one or the other. I also sent to the Guildhall, and received information that the Mayor was not there, or any Magistrate.

How long did you remain there? About half an hour; I was then told the Chamberlain said I had better go to Colonel Brereton, in College-green.

Did you do so? Yes.

I believe you saw the Colonel? When I arrived there I asked if he was at home; they said No, but in a quarter of an hour he appeared.

Did you provide him with a horse? Yes, I asked him where it was likely I could find a Magistrate; he said he knew where some of them lived,—hat he would go with me, but that he had no horse; and I provided him with one.

Did you both ride to any house where the said Magistrates lived? Yes, we went to a house in Park-street, where he asked if some Magistrate, whose name I did not hear, was at home, and the answer was No.

Did you go to more than one house? Yes, we went to another house, up the street.

You went to two houses, and no more, in that street? No, he said h did not know where it was likely to find a Magistrate, and we returned to the troop.

In College-green, I suppose? Yes, I then told him my lieutenant was a Magistrate, and asked why he could not pull off his red coat and read the Riot Act.

He was a Magistrate for the county of Gloucester, I believe? Yes; he said, "Oh no! that will not do." I said to him, "they say the mob is collecting in Queen-square,—why do not you take us there?" he said, "Oh no, Sir, we must not go there."

I believe you had better tell us all that passed? I then said, "there seems to be no use in our staying here, for they seem pretty peaceable."

Mr. Justice LITTLEDALE.—Who said that? I said it, in College-green. He said, "Oh! if they are left alone they will be peaceable." He asked me if I could depend upon my men; I said, "Yes, I am certain I can depend upon every man," he said, "You had better caution them on no account to fire." I told him I had already done so, and that I was certain no man would fire without my command; he then said, "We will go down to Fisher's Livery Stables, where it is probable we shall find accommodation."

Mr. ATTORNEY-GENERAL.—For the horses? Yes.

Mr. Justice LITTLEDALE.—He proposed going to the Livery Stables? Yes; I said, "It is no use our staying here doing nothing."

Did he mention any thing about the 14th? Yes, I asked him to let us go and join the 14th; he said, "They are gone, Sir,—they are gone;" he said, "we were obliged to send them out of the town, or there would not have been a man of them alive."

After you found that your horses could not be received at Fisher's Repository, what did you do?

Sir JAMES SCARLETT.—He has not said he found that.

Mr. ATTORNEY-GENERAL.—I thought you had stated that? I said to Colonel Brereton, "We had better be doing some good, or otherwise put us up to refresh the horses."

Mr. Justice LITTLEDALE.—You stated that you went to Fisher's Stables and Repository? They are two different places, in different parts.

Did you go to both? No,—to the Repository.

Could you find accommodation for your horses? No; on arriving there I formed up the troop; I said to a man standing at the door, "Is there any room here?" he said, "No, there is not room for half a dozen horses; much less for your troop." I said, "This is too bad, I will not be humbugged in this manner any longer;" I consulted my Lieutenant, and we agreed we would go back the same way that Colonel Brereton had brought us, thinking that if any Magistrate had been found, we should most probably meet him; we went back, expecting to meet some Magistrate.

Did Colonel Brereton go with you? No, I did not see him after we arrived at Fisher's.

You took your troop back the same way you had come? Yes.

Did you go slowly through the town? Yes.

Are you well acquainted with the city of Bristol? No.

You went from Fisher's Repository, as I understand, to College-green? Yes, round a circuitous way, by the Palace, through the gateway, and across the Green, and thence to the Drawbridge, and over the Drawbridge to the Council-house.

Where did you go then? We went on to the outside of the town.

To a place called Downend, I believe? Yes, we halted before we got to Downend, and dismounted.

Where did you dismount? Near to the entrance to the town.

When you came to the Council-house, on your return, did you call there at all? No, I did not stop.

Downend is about four miles out of Bristol, I believe? It is.

How long did you remain there? About two hours.

Did you receive any communication during that time? None at all.

What did you do then? We went home.

Where did you go to? To Dodington. Before I dismissed my men I told them to be ready to turn out at a moment's notice,—that they would probably be wanted again.

You dismissed the men, telling them to keep themselves in readiness? Yes, I did.

Did you receive any other letter from the Mayor? Yes.

When was that? About the middle of the day on Monday.

Will you tell me whether this is the letter you received at that time? (shewing it to the witness.) Yes, it is.

Mr. Attorney-General.—Be so good as to read it.

Sir James Scarlett.—Let us just look at it, to see that it is his handwriting.

[It was shewn to Sir James Scarlett, and then delivered in and read as follows:—

"Council-House, 31st October, 1831.

"Sir,—The Magistrates of this city deeply regret that their absence from the Council-House last night, in the performance of an arduous duty, in heading a body of their fellow-citizens to a distant part of the city, should have deprived them of the pleasure of seeing you on your arrival, and thanking you for your prompt attention to their request, in bringing your troop to Bristol. As soon as the Magistrates returned from the duty alluded to, a deputation immediately repaired to Colonel Brereton, to make the necessary arrangements for the accommodation of your troops, and billets, signed by the Mayor, were made out and sent to Colonel Brereton, in the expectation that you would immediately have received them. This explanation, it is hoped, will satisfy you that no disrespect was intended to you; on the contrary, the Magistrates duly appreciate your kind intentions, and they hope they may yet have the benefit of your valuable services. If you should determine to come again to Bristol, they beg to suggest your sending on a serjeant, or other non-commissioned officer, to apprise them, in order that billets may be ready on your arrival.

"I am, Sir, your very obedient servant,

"*To Capt. Codrington, &c. &c.*" "CHARLES PINNEY, Mayor.'

"P.S. A letter has been just received from Capt. Estcourt, commanding the Tetbury troop, informing the Mayor he will be in Bristol in the course of an hour, and it is earnestly hoped you will join them.—C. P."

Mr. Attorney-General.—Can you tell, with any accuracy, how long you kept in Bristol with your troop? In all about two hours and a half in the town. We were in and close to the town four or five hours.

When you say close to the town, do you mean Downend? Yes.

Cross-examined by Mr. Campbell.

Upon this occasion, when you were marching to Bristol, you did not send forward a quarter-master or any officer to announce that you were approaching, did you? No, I did not; but the messenger who came for me had returned some time before me.

How long had you commanded this Dodington corps? The corps had been embodied a twelvemonth nearly.

You had commanded them from the time they were embodied? Yes.

Had you ever been out on service before? No, never.

Were you aware there was a superior officer in Bristol? No, I had never heard of Colonel Brereton.

When you were told of Col. Brereton, I suppose you felt it your duty to put yourself in communication with him as an inferior officer? Yes,

From that time did you not consider it your duty to obey his orders? Yes.

And you did put yourself under his orders? Yes.

Did he tell you that the Riot Act had been read several times? No; I said I believed the Riot Act had been read several times; he said, "That has nothing to do with you."

Would you have gone to Queen-square if he had allowed you? Yes; I requested him to allow us to go there, and he would not.

Did he give you any reason? He said, "Oh, no, we must not go there."

At that time did you observe any flames rising from that quarter? We could not see the flames, but it was red in that direction.

Did you know that the mob were there assembled? We was told so.

He gave you orders not to go there? Yes.

Do you remember a person coming and asking you for some of your men? Yes; I am not certain whether he asked me for some of the men, or whether he asked me to go with the troop; but at the same time that he asked me, I received a message from the Chamberlain; some man, who said, "the Chamberlain wishes you to go to Colonel Brereton."

Was this before you saw Colonel Brereton? Yes; when I was formed opposite the Council-house. I thought the direction of the Chamberlain was the best for me to follow; there were different persons expressing their wishes at the same time.

How long do you think you remained in the city after you put yourself under the direction of Col. Brereton? I should think about an hour.

Did you stay beyond twelve o'clock? I should think it was about half-past twelve; I am not certain.

Did you tell Col. Brereton where you were going? No; he left us when we went to Fisher's.

Had you any communication with Fisher himself, or was it with Col. Brereton? It was with Col. Brereton, not Fisher.

Mr. Justice Littledale.—You say he left you at Fisher's; did he leave you immediately on your getting there, or your being refused admittance? Immediately.

Sir James Scarlett.—He has not said he was refused by Fisher; he has said he had no communication but with Brereton.

Mr. Justice Littledale.—I thought that a communication, that there was room for only half a dozen horses, was by a man at the door? Yes; that there was room only for half a dozen horses, much more for my troop. Some man at the door went and knocked, I do not know who it was,—I know it was not Fisher.

Mr. Justice J. Parke.—Was the door locked? The gates were shut, I think—it was very dark.

Mr. Justice Littledale.—Had Col. Brereton left you at that time? Yes.

Mr. Campbell.—Was the Palace burning at this time? Yes; I did not know then which was the Palace.

But you saw fire in that quarter? Yes.

Before you left you saw that the Palace was burning, did you? Yes, I did.

Should you have been willing to repair to the Palace, if Col. Brereton had ordered you? Yes, certainly; we went close by the Palace.

About what time was that? About eleven, I should think.

When Colonel Brereton said that the 14th had left the city, did not he recommend you to go likewise; or something to that effect? No; he said we could be of no use—that we could do nothing. He said that if the people were let alone they would be peaceable.

Do you remember whether he did not say, "The 14th are gone, and I advise you to follow them?" No; I do not remember that he did.

Re-examined by Mr. ATTORNEY-GENERAL.

Did he give the reason why the 14th were gone? He said if they had not been allowed to go, there would not have been a man left alive.

You have been asked about putting yourself under the command of Col. Brereton; did any thing put you under his command except the Chamberlain's desire that you would go there, when no Magistrate was found at the Council-house? No; I did not even know who Col. Brereton was. I was very glad to hear of some authority.

You have been asked whether you should have acted if Colonel Brereton had given you an order? I ask you, whether you would have acted if the Magistrate had given you an order? Certainly.

After Colonel Brereton had left you, if the Magistrates had required you to act, either at the Palace or Queen-square, should you have hesitated? Certainly not.

Colonel Brereton went with you to Fisher's Repository, I understand? Yes, we rode down there together, at the head of the troop; I left him to form up the troop, and never saw him afterwards.

Was the account you received of the insufficiency of the stables to accommodate your troop, given by Col. Brereton at all, to your recollection? No; by the man who was standing at the door.

That man, I presume, you took for one of Fisher's men, whether he was one or not? Yes.

Did he come out of the door? I cannot say; it was very dark.

It is stated that you sent no quarter-master before you—did you send any message by the messenger who came for you? No, I do not think I did.

A person of the name of Bush? I sent the messenger on to Captain Estcourt.

You did not charge him with any message? No; I told him I should get my troop together, and come as quickly as possible to Bristol.

How far is Tetbury from Dodington? Rather more than twelve miles.

Is it further from Bristol? Yes; it is a continuation of the same road.

Mr. Justice PARKE.—Was Colonel Brereton in uniform? He had a blue coat and white feathers in his hat, I think.

Mr. Justice TAUNTON.—I just wish to ask Capt. Codrington a question. Will you give me leave to ask you, whether, before you withdrew your troop from Bristol, you apprised Colonel Brereton, or the Mayor, or any any authority, civil or military, of your intention to do so? No, I saw no authority whatever.

Did you send any message? No; I did not know where to send any message.

I understood you to say, that upon your return you passed by the Council-house? Yes.

Did you stop there, and attempt there to give intimation that you were about to withdraw your troop? No, we did not stop.

Mr. EDWARD GOSS sworn—Examined by Mr. SOLICITOR-GENERAL.

I believe you are a private gentleman, residing in Bristol? Yes.

In Portland-square? Yes.

Were you at any time on Monday morning, the 31st of October, at the Council-house? I was.

Do you recollect the time? I think it must have been about nine in the morning.

What Magistrates did you see there? I saw the Mayor, Mr. Alderman Fripp, Daniel, Hilhouse, and I think two or three others.

By Hilhouse, you mean the tall Mr. Hilhouse? Yes.

Do you recollect any other names? No, not any others; Mr. Sheriff Lax was there as well.

Did you make any communication to the Magistrates, or did any thing pass between them and you on your so seeing them? On the morning, at breakfast,———

I do not want anything that preceded your going to the Council-house? From what had passed in the city during the Sunday night, I thought it my bounden duty———

Never mind what you thought, have the goodness to state what passed at the Council-house? When I entered the room where they were, I addressed myself to Mr. Pinney; I said, "Mr. Mayor, I am very happy to see you here, as I do not know whether you are aware of it or not, but the report is universal that you have been out of the city the past night; and Sir, I call upon you, as a citizen of Bristol, you, who are the Mayor of Bristol, to immediately adopt such measures as shall be for the future preservation of the city. Now, certainly, it is day, but in a few hours night will again come, and if every precaution is not taken, we are wholly a destroyed city."

Did you yourself suggest any thing to the Mayor as being proper for him to do? Yes, I did, I knew the spirits of the citizens were down amazingly, and I desired he would, with me, or with any other person, go out into Queen-square, and other parts of the city, to shew the citizens that he was in the city, and not elsewhere, as it was reported.

What reply was made to that observation? "We are, Sir, on most important business."

By whom? By the Mayor—"and I do not see how I can leave."

Was that the answer given to that part of your observation which implied his reported absence during the night? He merely observed it was not the case; "Sir, you see I am here."

Do you recollect making any observation at that time to the Mayor or the Magistrates, on the subject of arms? I do.

Be so good as to relate it? I said, "before I leave you, Mr. Mayor, there is one question of great importance I will put to you, and that is, have you ascertained the quantity of arms in the possession of the gunmakers?" His reply was, "No, Sir, indeed I have not, would you have the goodness to ascertain it."

Did you, in consequence of that, take any steps to ascertain the quantity of arms? I did, I told him I thought it my bounden duty, and I would go immediately; I went round to the different persons who I knew were gunmakers, and dealers in arms.

State what you reported? I gave in a list of about 800 in the possession of different individuals.

Upon your making that report, what observation was made to you either by the Mayor, or by any other Magistrate in his presence? I said, "now Mr. Mayor, I must request an order to have the arms removed to a place of security, as those in whose possession they are, are afraid every moment that the mob will come and rescue them from them."

Mr. Justice J. Parke.—At what time was this you went? A little after nine.

That was the first time you went,—you then went round to the gunsmiths? I suppose about ten o'clock.

Mr. Solicitor-General.—What further passed between you and the Magistrates upon this subject? One of the Magistrates looked up, and said, "Mr. Goss, we cannot give you an order."

Was this in the presence of the Mayor? Yes, in the presence of the Mayor.

Was that accompanied by any general observation on the part of the Magistrates, in respect of what should be done with the arms? An obser-

vation followed from me, " Of course you will not suffer the arms to fall into the hands of the mob." Mr. Alderman Daniel was on my left hand—I turned round, and said to him, " Mr. Daniel, what is to be done in this business?—it appears to me to be most serious."

What was the reply? " Mr. Goss, I will tell you what should be done,—let the whole of them be thrown into the Float."

What answer did you make to that advice? I said, " Mr. Daniel, you are not in earnest in what you say?" He said, " Yes, I am."

Was any disapprobation of his advice expressed by the Mayor? None at all.

Sir James Scarlett.—What advice?

Mr. Attorney-General—To throw them into the Float. Was any reason assigned by the Magistrates for the statement made to you that they would not give you any orders? Not any reason assigned to me, certainly.

In your hearing? Nor in my hearing neither.

Was any allusion made to Colonel Brereton? I proposed the plan to Mr. Alderman Daniel, " Here is a list of 800 stand of arms without difficulty—we can get another hundred—the inhabitants of the city are assembled in their different churches, and I certainly would advise that the arms———

Mr. Justice Littledale.—Were they assembled on the Monday in the churches? Yes, on the Monday morning they were assembled in the different churches, by the orders of the Magistrates. I said, " Let the arms be sent to the different churches, and let them be put in the hands of men that you can depend upon knowing the use of arms; let them be divided, 900 into three companies; let them have a commander at each head; let them scour the city from one end to the other, and if the villains quit it not, let them them be fired on, and if every man is killed, you are fully justified."

Mr. Justice Littledale.—You said that they should scour the city, and what then? That if the villains would not quit it, and were every one of them killed, in my humble judgment they would be fully justified.

Mr. Solicitor-General.—You have stated that there were meetings of the inhabitants in the churches that morning? I did.

Were you present at any of them? I was present at the church of the parish in which I resided—St. Paul's.

You went from thence to the Council-house? I did.

Was there any Magistrate, or any person from the Magistrates there, who gave any orders or directions from the Magistrates to the persons at that parish meeting? No, not any that I am aware of;—I do not understand your question.

You have stated that previously to your going to the Council-house, you attended the parish meeting; was there any Magistrate, or any person sent to you by the Magistrates to give you any direction? Not any; we were all waiting for the directions of the Magistrates.

Having stated what passed between the Magistrates and yourself when you first visited them, did you then quit the room? I did.

Without any orders or directions being given? Yes, I called on Mr. Alderman Daniel.

I ask, whether you then quitted the room? Yes, I quitted it with Mr. Alderman Daniel.

Did you afterwards return to the room? I did.

Did you upon this return to the room, make any communication again to the Mayor, or the Magistrates in his presence? Yes, I did; I had been round to the different places, and ordered all the arms to be packed up immediately, and I said to the Mayor, " Mr. Mayor, I again entreat I may have an order for their removal;" the mob were expected in by thousands, every moment, and I thought it of great importance.

Was an order given by the Mayor, or any Magistrate in his presence? Upon my second observation to the Mayor, Mr. Sheriff Lax was behind his chair—he said, "Mr. Goss, every order will be given that can be required."

Was any order given?

Sir JAMES SCARLETT.—That is the answer.

Mr. SOLICITOR-GENERAL.—Did you then leave the room? I left the room, and on my going into the passage, going down stairs, I met Mr. John Scandrett Harford—he is a county Magistrate,—and I requested him to interfere.

Did you then leave the room? I did; I sent in a written request to the Mayor, that he would give me directions.

Did any thing further pass between you and the Magistrates? No, I do not recollect any thing further.

Cross-examined by Sir JAMES SCARLETT.

You say it was about 9 o'clock on the Monday morning, you first went? Yes.

How long did you stay? Oh, I was round the Council-house for six hours, and in different parts of the city.

You went first in the morning, and you have stated the speech you made to the Mayor, telling him of the universal report of his absence? The observation I had heard made.

Which report you assisted to spread, did you not? I should hope not; I gave it him as I had heard it.

And you requested him to go to Queen-square, and the Mayor said he was busy? Yes.

How long did that interview last? Some few minutes.

Did you remain at the Council-house then? No, I quitted it for the purpose of ascertaining the quantity of arms in the possession of different persons.

Was it at that first interview you talked of the arms? Yes.

Then you went the second time and made your proposal? Yes.

What was the hour of the day? I suppose about ten, or it is possible it might be a little after.

Your proposal was not adopted, was it? I asked for an order for the arms to be removed to a place of safety.

You made a proposal, that the arms should be sent to the different churches, and entrusted to persons who knew how to use them,—known men,—and that they should scour the streets, and so on? Yes, I thought that very important.

And you made a speech to the Magistrates to enforce that? One of the Magistrates said, "we cannot give you an order."

An order to do what? For the arms to be removed to a place of safety.

I speak now of a proposal to send them to the churches; you proposed to send them to arm the people who were well disposed; what was said about that proposal; it was a wise proposal? Mr. Alderman Daniel said, "We cannot do any thing without some officer;" I will not be certain of the name.

Colonel Brereton, or Major Beckwith, or Mackworth? I cannot remember the name; I said, "Mr. Daniel, where is this gentleman;" he said, "He is in the adjoining room."—"Will you have the goodness to shew me where is."

Then you went to him to propose your plan? I did.

I will not ask what passed between you and him, but your plans were not adopted? I do not think they were.

In consequence of that, you made a communication to the Secretary of State, did you not? Yes, I did certainly; when I saw the city in that state, I felt it my bounden duty to acquaint the Government with it.

Had you been sworn in a special constable, either the Sunday or the Saturday? I had not.

Upon your oath, were not you desired to be sworn in? I was not.

Do you mean to say that? I will swear it five hundred times over.

At no period were you desired to be sworn in? At no period: I think it might be about a fortnight or three weeks after, I was; not then.

I will not say to be sworn in; but were not you desired to serve as a constable? No.

Was there nothing said about your being liable to a charge, if you did not? No, upon my oath.

Alderman Daniel talked about throwing them into the float, and you said, "You are not in earnest," and he said, "Yes, I am in earnest?" He is a very honest and excellent man, in private character, and I believe he thought that best, but it was not my opinion.

Did you happen to find out what was done with the arms? Yes, I ascertained after some time that some proportion of them had been received by some officer or by some man.

You ascertained that, did you? Yes.

Did you ascertain at what time that arrangement had been made? From the same source that I ascertained that, I understood that some time in the afternoon they were received from the gun-makers.

In short, you did not learn from the Magistrates any knowledge they had about the arms; you did not learn any thing from them, except that they talked of throwing them into the float? No; to the note I sent into the Mayor, he replied, on the same note, that orders had been given.

That you need not trouble yourself about it,—that orders had been given, and you need not trouble yourself any further? No; he is a more polite man than that—a worthier man in the city of Bristol there is not; I am not come here against the Mayor of Bristol nor any other man; I am come here to speak the truth, and the whole truth.

What was the reply? His reply was, "Every order has been given with regard to the arms."

Mr. Justice J. Parke.—That was in answer to the written request? Yes; that justifies my opinion, I think, that it was deemed of some importance that the arms should be taken care of.

Major BECKWITH sworn.—Examined by Mr. Serjeant Wilde.

Were you the Major-Commandant of the 14th light dragoons? I was.

Did you proceed to Bristol on Monday, the 31st of October, in the last year? I did.

Did you receive an intimation that your presence was requested at Bristol during the night? I received a request from the Mayor of Bristol, at two o'clock in the morning.

At what hour did you arrive in Bristol? About seven; I received a requisition at Gloucester.

What distance is Gloucester from Bristol? About forty miles.

At what time did you arrive at Bristol in the morning? About seven.

On your arrival at Bristol, where did you go? I went to the Council-house.

Did you proceed with your troop, or did you go on first, leaving them to follow? I gave directions that a sufficient force to guard the quarters of the military hospital should be left at Gloucester, and that the rest should march immediately to Bristol; I myself proceeded, having given that order, accompanied by the adjutant, in a post-chaise.

Where did you go to in Bristol? To the Council-house.

Whom did you find at the Council-house? I found the Mayor, Mr. Pinney, and three or four other Magistrates; I also believe I found the Town-Clerk, Mr. Serjeant Ludlow.

Will you be so good as to state what passed between you and the Magistrates, upon your arrival? On seeing the Magistrates, I introduced myself as the officer commanding the 14th dragoons; I enquired where the squadron of the 14th, which had been sent to Bristol, was; they told me that it had been sent out of the city by Colonel Brereton, but that they did not know where, and they referred me to Colonel Brereton. The Magistrates then complained very much of Colonel Brereton not having supported them; they stated that they had no authority whatever; that the mob was in complete possession of the city; they told me that the Riot Act had been repeatedly read; they also mentioned that they believed that the squadron of the 14th had been sent to Brislington—at all events it was in the immediate neighbourhood—and they understood that orders had been sent that it should return.

Upon that, did you make any application to them? Upon hearing that statement, I requested that one or two Magistrates would accompany me on horseback, and I promised presently to restore order: they all refused to do so; upon which I put the same question to them individually.—They all refused; one stated that it would make him unpopular—another, that it would cause his shipping to be destroyed—another, his property; in short, they all refused: they also informed me that none of them knew how to ride on horseback, except one gentleman, and they pointed to the tall Mr. Alderman Hilhouse. Mr. Hilhouse said that he had not been on horeback for 18 years, and he also remarked, that he would hold anybody responsible who said a second time that he could ride.

Upon this passing, what did you say or do? Upon hearing this, I required a written authority from the Magistrates to take the measures that might be expedient towards putting down the riot.

I understand you to say, that you found the Mayor there during this interview? Yes.

Was the Mayor the person that gave you these written directions for which you applied at that meeting? Yes, as well as I can recollect, it was written by Mr. Ludlow, the Town-Clerk, signed by the Mayor, and given by the Mayor to me.

Be so good as to hand that to the officer, to be read.

[The same was delivered in, and read as follows.]

Signed, "Charles Pinney, Mayor," addressed "to Major Beckwith, 14th Light Dragoons."

"Council-house, Bristol, October 31st, 1831.

"Sir,—You are hereby authorised to disperse any mob which may assemble in this city in a riotous or tumultuous manner, in disturbance of the public peace."

You have said that you applied to each Magistrate individually, to accompany you—did you apply to the Mayor among the rest? I did.

What answer did you receive from the Mayor; I am not certain if he named his shipping, or his property; he named either one or the other—saying that it would cause it to be destroyed.

At the time you received that order, had your men arrived? No.

Were you then in your uniform or in plain clothes? I was not in uniform.

Did anything further pass between you and the Magistrates, or did you proceed to find your men? I proceeded immediately in search of Colonel Brereton, whom the Magistrates told me I should probably find in Queen-square.

How soon after did your men arrive? I should think not for an hour and a half.

How soon after your men arrived did you proceed with them to Queen-square? The first attack was made in College-green by the troops; after that time the troops proceeded generally at a gallop.

You first proceeded with your men to College-green? There was a great deal happened previous to that.

Was the Mayor present? No.

Was what happened previous to your proceeding to Colonel Brereton and having some conversation with him? Yes.

Where had you seen him? I had seen him first at Queen-square, and afterwards at the Adjutant's lodgings, in Unity-street.

Unity-street is close to College-green? Close to College-green.

Are those the lodgings of Colonel Brereton? No, it is the Adjutant's lodgings.

What had passed between you and Colonel Brereton? On finding Col. Brereton in Queen-square, I expressed the astonishment I felt at the scene that was going on, and asked what had become of the squadron of the 14th dragoons? Colonel Brereton informed me that he had sent them out of Bristol the day before to Keynsham, but that Major Mackworth had been sent for them, and that they might be expected in the course of an hour or an hour and a half—I am not quite certain which it was. Col. Brereton said that the Magistrates would not authorise him in using force; and on my telling Colonel Brereton that the General Orders of the Army made it imperative on him to act without a Magistrate, if one were not present, he informed me, that with so small a force as was at present in Bristol, it was impossible to do any thing, and that he must wait for considerable reinforcements: he then informed me that he was exceedingly fatigued, and that he should go home to dress, and desired that I would wait for him in a hour at the Recruiting Office, in College-green.

You did afterwards go to him? Yes, I afterwards went to him.

Did you then state to him any determination that you had formed? I stated that I had examined the city.

Mr. Campbell.—Are you going to enter into all the particulars of this?

Mr. Serjeant Wilde.—No, I pass it wholly over. After you had an interview with Colonel Brereton, did you go and dress yourself? I went and put on my uniform.

By that time had your men arrived? They arrived in a minute or two after.

Where did you proceed to? A report was immediately afterwards made, in a few minutes, that the mob was plundering the cellars of the Bishop's Palace; the squadron immediately mounted, and after a great number of charges, in about two hours the mob was put down in every part of the city.

Had those charges been made in different parts of the city? The instant one charge had been made, the troops were rallied, and proceeded to different parts, dispersing the mob wherever they were found.

During those charges was it necessary to destroy any lives? A great number.

During any part of those charges did you see any Magistrate, in any part of the city where you had occasion to go, to make those charges? Not one.

You mentioned you thought that paper was written by the Town-clerk; do you know Mr. Serjeant Ludlow's writing, or is it a mere supposition of yours? It is supposition; it was signed by Mr. Pinney, and given to me; to the best of my recollection, it was written by the Town-Clerk.

Cross-examined by Mr. Campbell.

Did you make some of those charges at a full gallop? At full speed.

Mr. Campbell.—Which it was expected that the Magistrates should head?

Mr. Serjeant Wilde.—The witness has not said so; the witness does not say he wanted the Magistrates to head those charges.

Mr. Campbell.—How long were you employed in making those charges? I should think from about ten o'clock till twelve.

And then the peace of the city was completely restored? The peace of the city was completely restored.

Did Colonel Brereton assist in making those charges? Colonel Brereton occasionally came up with the troops, but sat upon his horse, and said nothing; he gave no orders, and, in short, he remonstrated with me before. In an interview I had with Colonel Brereton, after having examined the city, I acquainted him, that I heard, from every where, that large crowds of people were coming from the country to join the rioters; that it was indispensable immediately to put down those in the town, before they could be reinforced; Colonel Brereton told me it was impossible; on my acquainting him with the authority I had received from the Magistrates, and that I was determined to disperse every mob as soon as the squadron returned, he said, "if you do so, it is on your own responsibility."

Mr. Justice Littledale.—Did you tell him what you were going to do? I did.

Mr. Campbell.—And you did it upon your own responsibility? I did.

He being your commanding officer?—do not suppose that I impute the remotest blame to you. At the meeting with the Magistrates you had not known those gentlemen before, I suppose? I had never seen Bristol in my life.

You hardly knew the names of the gentlemen you met, whom you understood to be Magistrates? No; the only people I can speak positively to, are, Mr. Pinney, the Mayor, and Mr. Alderman Hilhouse.

Do you know Mr. Alderman Camplin? I do not.

Was not it Mr. Alderman Camplin that said he had not been on horseback for many years? Certainly not.

You do not know Mr. Alderman Camplin? If he were pointed out to me, I might very likely say that I had seen that gentleman before, but I do not know him personally.

You had not seen him before? No.

I suppose you know the Mayor by his figure? Yes.

A little short stature, and deformed hump? Yes; I may perhaps be permitted to say that the Mayor was certainly the most collected of the party I saw.

Did you then know that he had sat up two whole nights? He appeared fatigued.

Did you observe that he still had on short breeches, with buckles and silk stockings? No, I did not observe that.

Have not you said, that in your opinion the Mayor had been unjustly blamed? Immediately after the affair at Bristol, every one said that the whole blame and responsibility rested with the Magistrates.

Did not you say that you thought the Mayor had been unjustly blamed? I said he had been blamed to too great an extent.

Did not you make use of that expression, that the Mayor had been unjustly blamed, and that you would take care the saddle was put upon the right horse? Certainly not in those words, but I might have said that I thought other parties were to blame as well as the Magistrates, and that I thought it unjust to lay the whole of that calamity to the conduct of the Magistrates.

I only wish to ask, whether you do not recollect, soon after saying that the Mayor had been unjustly blamed—do you recollect saying so? I do not; I am certain I did not; but as I said before, I may very likely have expressed an opinion that the quantity of blame thrown upon the Mayor was unjust.

Mr. Attorney-General.—That is the case, my Lords, for the Prosecution.

Sir JAMES SCARLETT addressed the Jury in the following words :—

"May it please your Lordships,—Gentlemen of the Jury, —The time is at length arrived when the Mayor and the Magistrates of Bristol have an opportunity afforded them of stating their case, and proving it by evidence. They have suffered much obloquy, much persecution, much misrepresentation. They feel, and they deeply deplore, the calamity that has befallen their city. They cannot deem it otherwise than a great aggravation of that calamity, that they should have been made the subjects of reproach as having occasioned it, and that for a long period. For twelve months since that calamity befel the city of Bristol, they have been the subjects of an investigation,—not by Commissioners appointed by his Majesty,—not by the authority of Parliament,—but by a private and voluntary Committee, appointed amongst their own townsmen, and formed—however respectable the individuals may be who formed it, which I do not doubt—formed chiefly, if not exclusively, of that party in the town which, from their political feelings, as well as religious differences, have been long opposed to the Magistracy of Bristol.

"Gentlemen, the administration of justice in that town, the chief authority, is vested in the Magistrates; and whether they are right or wrong in entertaining such a feeling, I trust you will think it not an unnatural feeling for them to entertain, that they were subjected to a gross indignity, when they found that a tribunal was formed of their own citizens to sit in judgment upon their conduct, to which tribunal they could not be parties, but as culprits. However, gentlemen, the day is at length arrived. The result of that investigation, in which, I understand, those who instituted it, boasted they had received the countenance and support of his Majesty's Government, has produced this information, with various others, filed by my learned friend the Attorney-General; and the Mayor of

Bristol is now called upon to meet the weight and authority of an accusation by the public prosecutor, without having, until he heard the evidence detailed in this Court, any opportunity of learning any one particular in which his conduct was condemned.

"Gentlemen, the information that you have now to try, deals in very general terms. It embraces a period commencing with the Saturday, and terminating on the Monday, and the only charge made against the Magistrates, except one, is, that they did not do their duty. In what particular they failed—what precise duty was expected from them, or omitted by them,—all this they have to learn from the evidence of today, having had no intimation, either by the record which you are now trying, or by an opportunity of hearing their accusers face to face, what were the imputations cast upon them.

"Gentlemen, you have heard but half the case. You have heard, indeed, a statement which my learned friend has read, addressed by the Mayor to my Lord Melbourne, and to Lord Hill, containing a general outline of the proceedings; a statement exclusively made for the purpose of giving a general view of the progress of the riot, and without the least apprehension that those who made it were called upon, at that period, to exculpate themselves from charges of which they were not conscious.

"If, gentlemen, I were to endeavour to represent to you the great anxiety I feel in this cause, an anxiety that probably would render me less capable of discharging my duty, you might, perhaps, think that I was using the common art of an advocate to endeavour to bespeak your attention and your benevolence. I am confident, however, that when you look at this case in the whole, in its detail, and in its result, you will think it one of the most important cases that ever was brought before this great tribunal—one in which the Magistracy and the gentry of England have a deep and an important interest. For I will venture to say, that if Mr. Pinney, the Mayor of Bristol, could, by possibility, be convicted by your verdict upon the

evidence you have already heard, or upon the topics that the Attorney-General has laid before you, there would be no safety for any Magistrate in the kindom; no honesty in the discharge of his duty, no zeal, no integrity could save him from the malice and the vengeance of his enemies.

"Gentlemen, I shall find it necessary to make some, although but few, observations on the evidence adduced by my learned friend,—because, as I must necessarily occupy a large portion of your time in filling up those parts of the case which he has left imperfect, I shall, by my evidence, not oppose, but reinforce many of those statements that his witnesses have made, from which I think, that even now, were it an ordinary case—were it not so deep a trust in which I feel myself bound, not only to vindicate the innocence, but the honour of the gentleman intrusted to my care, I should, upon that evidence alone, confidently expect your acquittal. But you must hear further evidence. Upon the statement of my learned friend, considering the trouble I am afraid I shall have to give you on my part, I shall detain you but a short time. Indeed, it would not be necessary for me to call your attention to those statements in my learned friend's speech, which have been contradicted by his evidence. A great many of the facts which he has stated have been already explained, or contradicted and refuted,—and to the evidence, therefore, I should refer you, and not to his speech. But there are two or three topics in that speech, which I think myself bound to draw your attention to, because I am persuaded that you will find, upon consideration, that the weakness of my learned friend's evidence has not been supplied by the strength of his argument. Let us hear the propositions made by my learned friend.

"He states to you, 'that the Magistrates had authority,' as undoubtedly they had by law, 'and a duty cast upon them to endeavour to prevent those crimes which result from breaches of the peace.' But, he says, 'that they are invested, by law, with an authority of compelling every man, within the sound of

their voice, to take up arms if it be necessary.' Now, gentlemen, do not let us be caught by words. The Magistrates are invested with an authority of compelling every man to take up arms, says my learned friend. Now, in one sense, that proposition is true, but not in the sense in which you are called upon to apply it to Mr. Pinney. It is true, that as Magistrates they are entitled to call upon every man, when they witness a breach of the peace or a riot, to act in the King's name in assisting them to quell it. But it is not true, that if a man refuses to come he is therefore liable to immediate coercion. If, indeed, the law could invest the Magistrate with the force of a giant, with the hundred arms as well as the strength of Briareus, so that he might, in his own person, compel immediate assistance, my learned friend would be right. But all that the law does, is to make the party who refuses to aid the Magistrate, liable to an indictment, and upon the trial of that indictment and his conviction, his punishment must depend. That is the sole process of compulsion. I should be glad to know, whether that power which the law gives, and which can only be enforced by the administration of the law, would enable a Magistrate to call upon the population of a town that is determined to resist him, and to make them at a moment, whether they will or not, come to his aid. How could my unfortunate client, Mr. Pinney, whose description you have heard from the witnesses,—how could he expect that assistance, or how command it?—or if commanded, how enforce it upon the very evidence you have already heard? Gentlemen, you will please to recollect, therefore, that though I agree in the proposition of my learned friend, in that sense, that the law makes every man liable to punishment who refuses to aid a Magistrate or the Sheriff in keeping the peace, yet, that there is no law that can overcome the law of nature, which disables a Magistrate, by any personal force that he possesses, from compelling men to assist him whether they will or not.

"Now the next proposition of my learned friend, to which

I shall call your attention, is one that I can hardly suppose, upon due consideration, he would wish you to consider that he would deliberately support. The proposition is this: he says, 'the law requires every individual Magistrate, under such circumstances, to act with vigour, and decision, and resolution, for the protection of the peace; and in case of any small excess of power, covered by his own good intentions at the time, he need not be afraid of any severe consequences, either of a civil or criminal nature.' Now let us see what that proposition means. The good intentions of a Magistrate, his honesty, his zeal may excuse him. In what case, according to my learned friend? In case he commits an excess of severity, and sheds blood unnecessarily? My learned friend is right. If a Magistrate is honestly of opinion, and those who act with him concur, that it is necessary to use deadly weapons for the purpose of putting down a mob, and to cause the military to fire upon them, I agree with my learned friend, that although, by and by, it might turn out, upon cooler consideration, that the Magistrates might have accomplished their object without that degree of force, yet their good intentions ought to excuse them. But my learned friend has been quite silent on the other part of the proposition. If the Magistrates have good intentions, if they wish to avoid shedding blood, and if they err, not in an excess of severity, but an excess of lenity, my learned friend is not the man to say that they could be excused from any severe consequences of a civil or a criminal nature. Gentlemen, I ask at this moment, in the progress of this cause from the beginning to this time, either in the speech of my learned friend or in the evidence, has any improper motive been ascribed to these Magistrates? Has any one corrupt intention, any one desire not to do their duty, been either pointed at by the evidence or suggested by my learned friend? Have I not a right to say, that if they have erred, which I do not admit;—have I not a right to say, that if they formed a mistaken judgment;—have I not a right to say, that if they mistook the disposition of the

town of Bristol, it was, at least, an innocent misconception that they could not obtain the civil aid of their fellow citizens to assist in quelling the riots;—have I not a right to say, that they are also entitled to a little consideration, and to be protected from any severe consequences of a criminal nature? My learned friend has not thought proper to give you that part of the alternative. We are to take the law, therefore, to be this,—that when an excess of severity takes place, accompained with good intentions, the Magistrate may be excused; but where error is committed on the side of lenity, though with equally good intentions, whilst my learned friend administers the law, he is not to be excused.

"Gentlemen, what is the result of the whole evidence you have been hearing for several days? Do me the favour to consider that you are now sitting calmly, free from all fear, from all alarm, from all agitation, to deliberate upon what was proper to be done in the midst of tumult that might have alarmed any man; in the midst of agitations and violence that might have disturbed the coolest judgment. Let me ask you if you would think it, even at this time, supposing the evidence had been of a different character from what it is, and had led more justly to the conclusion my learned friend demands of you; I ask now, would you say, that because you might be of opinion that if some other course had been adopted, Bristol might have been saved from conflagation, that, therefore, the Magistrates must be guilty? No, gentlemen, you have this advantage of them,—you have, in the calm consideration of this question, nothing to molest you;—you have no wives and families to think of;—you have not the safety of the citizen to think of;—you have not the responsibility of acting with or without the military to think of;—you may, therefore, form a judgment. Perhaps you may be of opinion, that if a few lives had been sacrificed upon the Saturday,—that if blood had been spilt the town of Bristol might have been saved;—you may be of that opinion; it is but a conjecture. But suppose you are right;—are you ready on that account

to condemn the Magistrates when they acted under the assurance of an officer of his Majesty, that he would undertake for the safety of the town without using that dreadful expedient?

"More than that, gentlemen, does any honest man believe that if the Magistrates, upon the evidence of my learned friend, had done that which he says was their duty, and had spilt blood upon the Saturday, and saved Bristol; does any man doubt but that they would have been indicted for murder, and that the Government would not have defended them? That when the Magistrates call upon a military man to aid them in clearing the streets, and desire him to use all the means necessary, and he tells them there is no occasion to do more than to ride about amongst the mob, who are good natured, and will disperse presently,—'if you leave them to me I will be responsible for the safety of the city;'—can any man doubt that if a Magistrate said, 'Sir, I do not ask you to be responsible, I will be responsible myself, I order you to fire;'—can any man doubt that if a Magistrate had done that, and a life had been taken away by it, though the city had been saved, the Magistrate would have been justly indicted for murder? Would his good intentions have excused him then? I think they ought, but I have great doubts whether they would in these times.

"Gentlemen, we know the history of that very transaction; a constable who had the imprudence to go out with a pistol, with the best intentions, I believe a half-pay captain, upon that very Monday morning, and had the misfortune to kill a person, was indicted, and I never heard that he was defended by the Government. My learned friend did not defend him. He was defended at his own expense. I allude to Captain Lewis's case.

"But let us look, gentlemen, at the evidence. I think the whole of the evidence that my learned friend has given to you may be summed up in two sentences; and the first is this;—that all the efforts of the Magistrates to induce Colonel Brere-

ton to use the military for the purpose of repressing that riot were ineffectual. And the second is this,—that in consequence of the military refusing to assist in the suppressing of these riots, the civil force of Bristol also refused to aid the Magistrates. I should be glad to know what they were to do? On the one hand they were deserted by the military, and on the other hand they were deserted by their fellow citizens. That is the general state of the case; and they are now called upon to be responsible for the burning of the town. Gentlemen, I say this is the sum and conclusion of the whole evidence. I admit that it has been dressed out in parts (by what sort of ingenuity or with what motive I do not pretend to conjecture),—with some ridicule cast upon the Mayor of Bristol,—with some attempts to trace him in particular situations for the mere purpose of exciting ridicule, which will but be the triumph of a day; for you will find the whole story to be founded in fabrication and falsehood, supported, if not by perjury, by the grossest misconception. And then, by a number of negatives which my learned friends labour to string together they think to make an affirmative. Witness after witness is put in the box, and asked 'did you go to the Council-house? Had you any directions? Did you go to the Guildhall? Had you any directions?' So that if a man goes to the Council-house or the Guildhall, and has no directions from a Magistrate, the Magistrate must needs be guilty. That is the conclusion you are desired to come to. Is it not very extraordinary that my learned friend, in the investigation of a case regarding the conduct of the Magistrates, should not have called before you any one of those persons that could give the best and most detailed account of their conduct? Here is Mr. Burges, their solicitor;—here is Mr. Brice;—here is my honourable and learned friend Mr. Serjeant Ludlow, whose name has been mentioned by almost every witness. They do not think fit to call them, who can explain every thing, but they take the case of the Magistrates and divide it into tatters. With respect to the Mayor, they first shew him here, then shew him there,

then they do not shew him anywhere, but leave you to infer, from the defect of their evidence, that according to the opinion of the last witness but one, Mr. Goss, and the pretended universal report, he was out of Bristol during the Sunday night. That is what my learned friend invites you to believe was the fact, because he cannot prove it.

" Mr. Goss is the gentleman that goes to the Council-house to make his speech to the Magistrates; he goes three or four times, and gives a great deal of trouble, and because his foolish plan is not adopted, and they will not tell him what their plan is, he makes a communication to the Secretary of State for the Home Department, and instils a little of his feeling into that quarter. You will be surprised, when I tell you, that an inquiry into the state of the arms had taken place by order of the Magistrates on the Sunday, and that arrangements had been made at that time to secure them, though suspended for a while by the mob being in possession of the Jail. The number and quantity were ascertained; but the Magistrates did not choose to tell every body, either the description, the quantity, or the place of deposit. Upon that very Monday the arms were sent away, not to the float, but to the Jail. When the possession of the Jail was recovered by Major Mackworth, the arms were there secured. Why should they tell Mr. Goss? Why should every speech-making gentleman, that goes for the purpose of bullying the Magistrates, be informed where they deposited the arms, or where they intended to deposit them? He goes to make his proposition. He proposes, like a military man, to distribute the town into posts,—to put arms into the hands of persons that might be trusted,—it was not very easy to find, at those moments, such persons perhaps,—and then to let them go forth and sweep the town; and then he says, at all events, let the arms be secured;—and Alderman Daniel, who, I understand, is a gentleman of high respectability and honour, now above seventy years of age, says, 'Oh! Mr. Goss, I think we had better throw them into the float.' He protested against that,—he says, 'you cannot be in earnest.'

The Alderman was not in earnest, but he was desirous of putting off the importunities of Mr. Goss, who was molesting the Magistrates then engaged in important transactions, with his silly plans and impertinent curiosity.

"Again you are told that the Magistrates did not form a plan. So that when the military had deserted them, it was inherent in the very office of a Magistrate,—he was bound by law, to be possessed of the knowledge of an engineer, and by a sort of magic to perceive in himself an innate skill and cunning to defend a town, and to arrange and organize the population in half an hour, so as to secure it from conflagration! Why, if the Magistrates were a little taken aback upon that desertion,—if, with an unwilling population, they did not know how to proceed,—if, when they summoned together the whole population only two hundred came,—if, when those two hundred came they refused to act without the military,—and if, when they bade them adjourn and bring more of their neighbours, a smaller number still came;—if all these things happened to them, and still they were not able to devise a plan for defending the town, perhaps you will think that the crime is not, at least in a moral point of view, of any great magnitude.

"But, gentlemen, I speak in general of the evidence. Let us come to some of the details; I earnestly hope that you have the evidence in your memories, and that you do not refer to any other source to obtain an amended recollection of it.

"A gentleman was called only two days ago, a most respectable gentleman, Mr. Roberts, who appeared to me to be a man of great intelligence, as well as great moderation. He stated that he was a minister of a Baptist chapel, that he had a very large congregation, and from his habits had much intercourse with the lower orders of people at Bristol. That gentleman gave his evidence in a way that satisfied me that he is a man of conscience and honour, though I never heard of his name before he came into this Court. You will remember that he suggested, first of all, that he should attempt to go to

the people in Queen Square, and endeavour by conciliation, as he probably might know many of them, who would respect his injunctions, to prevail upon them to go home.

"Now my learned friend turned the Magistrates' accepting this order into ridicule. He says, they thought by a speech to put the rioters down. They thought no such thing. But look at their position. At the very time the gentleman made that proposal they were abandoned by the military, a part of the population refused to act without the military, and another party refused to act if the military came back. Mr. Roberts makes a proposition to the Mayor with the utmost good faith and candour. Mr. Pinney goes and states it to the Magistrates, and, as Mr. Pinney appears to have known him as a respectable man, it was adopted. A party go with him. Was a party of Magistrates to go? My learned friend insinuates that the Magistrates were afraid of accompanying Mr. Roberts. With a view to that insinuation I asked a particular question. You will recollect that when Mr. Roberts went to the Square he saw the soldiers,—he called to one of them, and mentioned to him that he came with the Magistrates' authority in order to use some efforts, and wished him to make an opening through the Square,—the soldier refused to do it."

Mr. Roberts.—"The Captain."

Sir James Scarlett.—"I asked him this question,—'when you mentioned the authority of the Magistrates, was it your intention that this should be known to the multitude, or only privately to the soldiers?' He said, 'privately to the soldiers, because my intention was to go as of my own accord, and not to appear authorised by the Magistrates.' That answer speaks of itself that it was no part of the proposition that a Magistrate should accompany him, because he would then have lost the benefit of all that he intended to do; what he did would have been supposed to have been a scheme of the Magistrates, and Mr. Roberts's speech would have passed for nothing. Mr. Roberts further stated, that he came back and suggested to the Magistrates what he thought might

be advisable to adopt. Nothing was said to him. He got no answer. Oh! what a crime!—that was emphatic! The question was put to him with great solemnity, 'You received no answer? No, no answer. Your proposition was not accepted? Not accepted.' And so it was left that he made a reasonable proposition, and the worthy gentleman received no answer. Gentlemen, you will please to recollect that the Magistrates must, with common sense, have felt it a duty to keep back, as long as possible, from the knowledge of the population, that they could not have military aid; but Mr. Roberts said, most candidly, 'though I do think still that my plan would have been efficient, I ascertained afterwards, but not that day, that the Magistrates could not carry it into effect, because the 14th Light Dragoons had been sent out of the town,—and Colonel Brereton refused that the 3d Dragoons should act.'

"When Mr. Roberts stated that which only came out in cross-examination, (for observe it was left to me in cross-examination to bring that fact out) I ventured to put to Mr. Roberts this question: 'from what you saw of the state of Bristol at that period, you seemed to be satisfied that military force was necessary; in your judgment was there any disposition evinced by the population of Bristol to give the Magistrates any civil aid?' Now I will give you his answer in terms: his answer was, 'I was astonished at the infatuated apathy of the inhabitants of Bristol when their town was about to be burnt under their eyes.'

"Now, gentlemen, I hope you will remember that evidence, and all the evidence, and that you will not refresh your memory by referring to newspapers for it. For see how this is represented in an exceedingly popular and distinguished journal, which circulates throughout England and throughout the world. The answer given to that question here is this: 'I had a strong impression of the dangerous consequences of the infatuated apathy of the *civic authorities*, in permitting the city to be occupied and ravaged by the mob!!' So that the evidence is directly perverted: the impression it was intended to make

by that gentleman absolutely defeated, and a counter and opposite impression raised in its stead; and that has gone throughout England.

"That representation is, that the civil authorities, that is, the Magistrates, were in a perfect state of apathy, but the witness's expression was that the population of Bristol was in a state of apathy.

"We have also another important circumstance appearing upon that respectable gentleman's testimony. At a late hour upon the Sunday, when this was passing between him and the Magistrates, he has given a candid description of what he saw in the square, and you observe that he makes the number of persons engaged in plunder, and those engaged in supporting them, much larger than any of the witnesses do. That gentleman's evidence clearly shews that at that period the Magistrates were deserted; that nobody would act with them. He goes to the Commercial Rooms, and finds multitudes of gentlemen there assembled with apparent unconcern; and as an additional reason to satisfy him of the apathy of the people, there was in the Commercial Rooms a notice which has not been proved to you, except incidentally, which I will prove to you was universal, to all the inhabitants of the town to assemble in aid of the Magistrates.

"Gentlemen, I have now mentioned Mr. Roberts, who is the minister of a dissenting congregation, a gentleman of great respectability; and I of course mean to say nothing in the least disparaging of any religious sect whatsoever, and least of all of one that has so respectable a head. But I must observe, and I call it to your attention, that the greater part of the witnesses examined have been either Catholics or Dissenters from the Church of England. I do not mean on that account to impugn their respectability, but you may easily conceive that in the local political differences of a great corporate town, the party that support the civil authorities in general will not consist of that description of persons.

"The next witness I shall advert to is Mr. Edgeworth, a Ro-

man Catholic priest, who gave his evidence with a good deal of unction.—I will just call your attention to one part of it.—Mr. Edgeworth received a notice on the Sunday, requesting that his congregation might be called upon by him to assemble at the Guildhall, and do their best to aid the Magistrates. Mr. Edgeworth went himself. I am not sure, but I believe, that he did not read the notice to them; but certainly none of his congregation went with him. Mr. Edgeworth then relates what passed upon the Monday. Mr. Edgeworth on the Monday made an offer to the Magistrates that he could raise them two hundred men that he could depend upon; and it is made criminal in the Magistrates that one of them said, 'Oh, they are Irishmen, and they will drink;' he said, 'Oh, I can depend upon them.' Now, I ask any one of you, gentlemen, why Mr. Edgeworth did not offer that aid upon the Sunday? Sunday was the critical day. This took place upon the Monday, when the riot was completely subdued; and you hear that upon the Monday an account had been spread throughout Bristol that the rioters had begun to fire, not Corporation property only, which is in Queen-Square, (for be it known to you that every house that was burnt there belonged to the Corporation) but that other property was in danger; and when the people found that their apathy might lead to such consequences as might affect individuals, they then began to attend to the precept that had been issued the night before, and assembled in the churches, and by ten o'clock on the Monday morning there was a considerable force of the population ready to attend the Magistrates? What signifies his two hundred Irish Catholics at that time? Very good men I dare say; they would have been important on the Sunday; yet that witness, who, as I say, has given his evidence with an unction—by which I mean that he has given his evidence clearly prejudiced against the Magistrates,—does not profess to tell you why he did not make the proposition on the Sunday.

"Another thing you find proved by my learned friend's witnesses, and you will take for granted, gentlemen, whilst the

question is in suspense that the evidence, called by the prosecutors, will not be disposed to represent the colouring of the thing too much in favour of the defendant; but yet, you have, from those very witnesses, an account of the shouts of the multitudes upon the first assembling of the mob before the Mansion-house. Why, gentlemen, to be sure only a few persons were engaged in the actual work of destruction; you do not require one thousand men to set a house on fire or to plunder it; but if a thousand men look on and support twenty whilst they make the plunder, then you require a force equal to remove one thousand men. Now, gentlemen, what is the evidence my learned friend has given by various of his witnesses?—not by all,—some have denied it;—that when the military came in the first instance, there were shouts of 'The King and Reform;'—that when the Mansion-house was perishing in flames there were shouts from the multitude,—shouts from persons spread in different parts of the crowd,—and that no one in the crowd, consisting of many thousands of men as well as women, laid hold of any man that shouted, and said, 'Sir, I will take you to a Magistrate.' Even upon their own evidence, there never was so conclusive a case of the apathy that Mr. Roberts speaks of,—that when the citizens of Bristol, to the number of ten thousand, saw their Mansion-house falling in the midst of the flames, the shouts were general, and the cry was, 'It's only Corporation property.'

"This is evident upon the very statement these men make. You will observe a question I put to many of them, 'If the rioters were so few, that so small a number of persons were sufficient to quell them, how came you not to step forward, and how came not some of the by-standers to step forward?' No answer is given, 'I did not find any body to assist me, I would not go alone.' Can it be thought, if the Mayor of Bristol had the talent to make an immediate organization of a multitude in order to quell the mob, that there were none of those ten thousand that had the same talents? Why should not the persons present have said, 'It is abominable to permit this

outrage. The constables are overpowered, they are driven in by only one or two hundred fellows of rabble; come forward, let us go and disperse them.' Why, if one hundred and fifty gentlemen amongst that mob of ten thousand (for I call them a mob if they support the mob) had come forward to aid the constables, all the mischief might have been remedied. But they would not go forward,—they protected the rioters by their countenance, their presence, and their shouts, and they had an object in doing so.

"Then, gentlemen, Mr. Townsend is called;—you remember the discharged servant of Mr. Lax, and upon Townsend's evidence you are first desired to infer that the Mayor made a ridiculous escape. Now what will you think when I prove to you, by three or four respectable and honourable witnesses, that there is not a word of truth in that story? He has been contradicted already by the very next witness; for the next witness called was a servant of Mr. Leman, who lived next door to the Mansion-house, and over whose house the escape took place, and that servant tells you, he saw Townsend assisting the gentlemen, and that Major Mackworth was with the Mayor at the time: but Townsend has sworn that nobody was with him; he has taken upon himself to swear that Major Mackworth was not with him, but that three women servants were, and he has placed him in the larder, near the men's water closet, in order to give an air of ridicule which may spread the story over the United Kingdom.

"Gentlemen, that witness is unworthy of belief. He has stated three things which I shall entirely contradict. He has stated, that he introduced Colonel Brereton to the Magistrates, —that he went up stairs into the drawing-room,—that he found no Magistrate there (which is another crime)—and that the Sheriff came from behind a bed in the state-room,—I know nothing of the Sheriff, because he is not a party before you,—and that he went up stairs and found the Magistrates in the bed-room. Now what do you think of my proving to you that two Magistrates were down in the hall, and received Colonel

Brereton, and that this man never introduced him at all? Again he stated, that he was at Mr. Sheriff Lax's in the night when the Mayor called with Mr. Daniel, the surgeon, and the Mayor inquired for Mr. Lax; and then, that Mr. Daniel made use of a significant expression, which he will not distinctly swear to, but swears to his understanding that they told him they were going to Mr. Fripp's, but desired him to be cautious not to tell any one. Now the absurdity of the story is manifest upon the face of it, because, why should they tell *him* if they wished no body to know it? but what will you think, when I prove to demonstration, that at the time the Mayor called at Sheriff Lax's, he had no contemplation of going to Mr. Fripp's, though he was obliged to go there afterwards, for a reason I will explain?—Mr. Townsend, therefore, will be flatly contradicted.

"Now then, gentlemen, we come to another witness, Mr. Waring, a Quaker, a gentleman who has the honour of corresponding with my learned friend, the Attorney-General. I did not ask him whether he corresponded with Lord Melbourne. I had heard by accident that he was a correspondent of my learned friend's, and therefore I put the question. Mr. Waring is not quite pleased with the Magistrates, because they did not adopt his suggestion. You see that the witnesses laid hold of by my learned friend, who prove that the Magistrates gave no directions and had no plan, are persons chiefly who had a plan of their own. Now what was *his* plan? A most ingenious one. I hope you will remember my cross-examination of Mr. Waring.—I do not mean to say any thing against him. I know that the Quakers are exceedingly cautious in giving their evidence; so much so that I hardly ever, in cross-examination, got a direct answer from any of them. It is no disparagement, but the fact is so; men have peculiar habits, and as part of a Quaker's religion is not to take off his hat, so another part is that when he is cross-examined he does not give an immediate and direct answer; that is owing to great deliberation. You will remember that in his examination by my learned friend, he very reluctantly gave it out by a sort of insinuation—

'I thought that an effigy was proper to be burned; I had it in my mind that if an effigy was burned it might as well be Sir Charles Wetherell's.' The witness did not state it distinctly, but it was quite plain to every one's mind, that his impression was, that he recommended that an effigy should be burned of Sir C. Wetherell; but I wanted him to bring it out plainly, because I have witnesses to prove it, and you will observe that it rests now in his evidence thus,—that if he did not say it, it must be manifest to every one that he meant it.

"Now think of a grave Quaker coming to make the proposition that, to quell the mob, the Magistrates of Bristol should burn their own Recorder in effigy! And really, upon this record, I do not know that that is not a crime that will be urged against them; for there is nothing distinctly charged upon the record. If my learned friend had put upon the record, that whereas there was a riot at Bristol—that whereas the Jail was burned—that whereas the Bridewell was burned—that whereas the Mansion-house was burned; whereupon a suggestion was made to them that, to prevent these riots, they ought to burn Sir C. Wetherell in effigy, but that they maliciously, knowingly, and against their duty, refused so to do,—I should have known how to meet that charge. But it comes upon us here, upon this general record, where every thing may be brought into evidence against the Mayor, without any previous notice. I must own that I never did expect to hear in this criminal proceeding such evidence produced by the crown, with a view to criminate the defendants; and I must own that I should have thought the Magistrates the most contemptible and wretched of mankind if they could have ventured to stoop to burn the Recorder in effigy, in order to quell the mob. I presume, if the Recorder had been actually in the town, the Quaker might have gone a step further. It is said that in a certain place where mobs govern, that is to say, in Constantinople—for no country is free where the mob governs—sometimes the Grand Seignior is obliged to chuck out the chief minister to the mob, to appease them; and if the Recorder himself had

been at Bristol, Mr. Waring might probably have suggested, 'Surely, gentlemen, you cannot do better than to throw the Recorder out amongst them,—that will amuse them, and when they get hold of him they will be entirely contented and satisfied; they will pull him to pieces in fine style, and then you will have appeased all the tumultuous vengeance of the Reformers against Sir Charles Wetherell.' There was another man who did say he wished that had been done. He says, 'I certainly did very often say that it was a pity they had not thrown Sir Charles Wetherell into the river, rather than all this confusion should have taken place at Bristol.' That was another of their witnesses.

"Gentlemen, by this sort of testimony my learned friend has supported his case; and what is remarkable, until you had it from the witnesses, and until you had it from the statement made by the Mayor to Lord Melbourne, in the letter my learned friend has read, no allusion was made by my learned friend, the Attorney-General, to the state of Bristol at the time. I heard his speech,—it was a speech of great eloquence and impression, and calculated, till met and contradicted by his evidence, to produce a great impression against the defendant; but in that speech there is not the least allusion to the excited state of Bristol at the time.

"Gentlemen, I must proceed, therefore, to take that task upon myself, and I do assure you that in describing the state of Bristol at the moment when these agitations took place, I wish that I had the powers and the eloquence of my learned friend to raise in your minds an adequate idea both of the activity and alacrity of those who took part in the riots, and the apathy and indifference of those who viewed them.

"Gentlemen, it was not Bristol alone that was agitated, but other parts of the country. The Magistrates do not complain, and never did complain, that they had not sufficient aid of military force. I make no doubt that they had as much as could be conveniently spared; for the military were in requisition in various parts of the kingdom. Neither am I instructed

to insinuate that Col. B., if he committed any error in judgment, is on that account to be condemned. That gentleman acted under a fearful responsibility; I have no doubt that he was under the impression that if he had caused a man to be put to death, expecting as he did that the town would be secured without that calamity, he must have felt that he acted under responsibility which, in these times, would be fearful indeed; and therefore I would not be too harsh in blaming him. It has been stated already by some of the witnesses, or if not, it will appear by the evidence I shall produce, that Colonel Brereton, actually in conference with the Magistrates, stated his case to them thus: he said 'Gentlemen, the force that I have is not sufficient to keep the peace of the town, considering that the inhabitants will not come forward to obey your call,—that they will not come in sufficient numbers,—and that they will not consent with activity to support you; it will therefore be quite in vain to expect that the use of the military will accomplish the object. What you have to do, therefore, is to gain time; send in all directions for reinforcements, (and you will find that they *were* sent for) and by to-morrow (that is Monday) you will have probably a sufficient force collected, and then I will undertake to suppress the riots; but in the mean time we can do nothing.' Now although I might differ in judgment from Colonel Brereton, and although I might agree with some of the witnesses, that if he had employed the military at that time, he might have succeeded without more force, yet I by no means desire that any impression of that sort should be formed against him; he might act honestly, and he certainly was in a situation to judge for himself.

"But, gentlemen, to the case of the Magistrates,—need I remind you that the country generally, at that period, was in a state of great agitation? The very important measure that was depending in Parliament, and which had been disposed of at that time by the House of Lords, had produced a crisis of extreme agitation in the country. Do not understand me as meaning to say one word against that measure; it is the law

of the land; and it never has been, and never shall be, my practice, as long as I maintain my position in this Court, to discuss the merits of any law before a Jury or before Judges. You are bound to execute the law as you find it, and have no right to exercise a judgment upon its merits. Therefore, all I shall say of that most important measure is this, that I sincerely hope, and earnestly pray, that it may accomplish the great objects which, I am quite sure, many of those who introduced it intended to attain by it; no man in this Court, no man in this kingdom would be more happy than I should be, or more grateful to its authors, if it is found in the result to secure the authority of the Sovereign, to maintain the privileges of the Peers, and to give us a House of Commons containing all the elements of wisdom and moderation. I shall be most happy if it produces those effects, which I have no doubt are their intentions, and I shall be grateful to the authors of it. I think, and always have thought, that true liberty in this country can only exist under a constitutional monarchy; that a constitutional monarchy can only be sustained by an hereditary peerage, and an hereditary peerage by wisdom and moderation in the House of Commons, in order to prevent their taking the executive government into their own hands, which, if they ever do, they will first destroy the Crown and the Peers, and become themselves the most odious tyrants of the people.

"On these accounts I shall be most happy, and feel a degree of gratitude I cannot express, if these great and important blessings are secured by that measure. If our Empire abroad is properly sustained;—if foreign nations are taught to respect us, as no doubt every man wishes they should;—if the union with Ireland should be consolidated, and the affections of the colonies conciliated, I shall be still more happy to witness these results, and therefore I say nothing against that measure. But I may be allowed, historically, to recal to your recollection the means taken to enforce it, and the state of the country at the time it was depending. I impute blame to no man. Every man has a right, as long as he does not violate the rules of law,

to take his own course to advance any public measure he thinks fit. But this I think must be conceded to me, that the state of excitement in the country generally on that great cause of Reform had very nearly brought this government, I mean the monarchy, to dissolution, and sapped the foundations of civil society in this country.

"Gentlemen, it cannot be denied, whatever were the merits of this important measure, that at least a very great number, if not the majority, of the wealthiest and most intelligent classes of the community were against it; whether they were very wrong or very right I care nothing—I only state the fact. Now as these classes of the community had for ages generally exercised a great, if not the chief influence in the state, it was natural that the numerical mass of the nation, with whom the measure was undoubtedly of the greatest popularity, should feel a hostility to those classes in which they found their only opponents. The opposition made by those classes of course was made in Parliament, because they are not accustomed to assemble multitudes, or to mix with them. It became therefore necessary,—it became therefore expedient, or at least was thought to be so by men who were friends to the measure, to use all means in their power for the purpose of exciting the feelings of the people,—I am sorry to say against these very classes,—and thus to operate on Parliament. On that account Magistrates were defamed; libels were published, without number or check, against almost every person that had wealth or rank in the country; a system of persecution against them was adopted, and in most places a matrix was industriously formed for those seeds of turbulence and discontent which flourish in a very high degree even without the aid of cultivation. Bristol was one of those places, and I am not surprised at what we have seen of the occurrences at that place, because unhappily from what has passed in this Court heretofore, as well as the evidence in this cause, we have witnessed that in Bristol there did exist great local differences.

"You will recollect that the distinguished part taken by Sir

Charles Wetherell in Parliament, which is the alleged cause of the immediate riots at Bristol, involved him not only as an opponent of the measure but as an advocate of Corporations; and Corporations were a subject of attack—all the Corporations in the kingdom were the subject of attack. There was hardly a printer in any provincial town that had not something to publish against Corporations. All the Magistrates were attacked. The effect of this was, that in the agitation necessary to subdue the supposed indisposition of Parliament towards the measure, the very foundations of all authority were loosened; all respect and reverence for the Magistrates were gone, and therefore there was no Magistrate in the kingdom, I will venture to say, not even the high and venerable Magistrates before you, who possessed at that time the influence that they ought to possess, and do possess in a sounder state of the community.

"Under these circumstances, and with that state of excitement, the period came when it was necessary to deliver the Jail at Bristol. You must know that the delivery of the Jail at Bristol cannot be effected without the Recorder. He is by their constitution an essential person to be present at the trial of prisoners. It was formerly the practice at Bristol to deliver the Jail once a year; but of late years, in consequence of the complaint of the citizens, and the just complaint, that it was too long a period to detain prisoners in custody, the Corporation had adopted the practice of holding the assizes twice in the year. The month of October was one of the general periods. There were sixteen prisoners in the Jail, all of them detained for capital offences. Other smaller offences may be tried without the Recorder; but there happened at that time to be sixteen capital offences; his presence therefore was necessary.

"Now what did Mr. Pinney and the Magistrates of Bristol do? I should inform you that Mr. Pinney had been Mayor of Bristol only two or three weeks, this being the first time that he was elected; he had never served the office before, and was also new to the Magistracy; for it was by virtue of his Mayoralty that he became a Magistrate. They had a consultation

upon the subject; they were aware that in the town of Bristol there existed a great sensation against Sir Charles Wetherell; perhaps they were not aware, certainly not, that the prejudice, the hatred against the Magistracy itself, would be carried to the extent of a desire to see their property burned and plundered; but they were aware that there was no part of the country in which a more angry feeling prevailed than at Bristol; that at Bristol the feeling for Reform was very general, and in fact, universal; that this feeling might break out in some demonstrations against Sir Charles Wetherell; and they considered whether they could, with propriety, postpone the Jail Delivery. They had on the one hand to consider that, if they postponed it of their own authority, they were open to the reproach of keeping men in Jail for a considerable time —I make no doubt they would have heard of it in various places, that they had assumed too much authority. On the other hand, if they held the session at the usual time, in the month of October, they exposed the town of Bristol to some chance of agitation and riot.

"Under these circumstances they felt, and in my opinion they felt justly, that it did not become them to undertake the responsibility; that unless they could have the sanction of the Secretary of State, who might be able to say in Parliament, if any attack were made upon them for postponing the Jail Delivery, that it was done by his sanction, they could not undertake it. They sent a deputation to town, consisting of one of their number, together with one of the Sheriffs, (a gentleman who sits before me) who were first to consult Sir Charles Wetherell, whether he thought, in point of law, it was necessary to hold the Jail Delivery with the Recorder; upon which Sir Charles Wetherell could not give any other opinion than—that it was necessary. Sir Charles Wetherell did not like himself to undertake the responsibility of putting it off; he said, 'I think it ought to be held,—you had much better go to the Secretary of State.' They then stated their case to Lord Melbourne. Lord Melbourne said, 'I quite agree that it ought

to be held, and with the usual forms.' The Magistrates were anxious that he should see Sir Charles Wetherell; they have stated that in the case which has been read to you to-day. He did see him; the conversation was renewed, and the result was, that my Lord Melbourne was decidedly of opinion, that they ought not to postpone the Jail Delivery. He said, 'if you want troops, you shall have them,'—the number, of course, he could not specify,—that was to depend upon arrangements at the Horse Guards,—'but upon this condition, that you do not use them but in the last extremity;'—of course it was not their desire to do so.

"When they returned to Bristol, they were desirous of using every expedient to ensure a safe reception for Sir Charles Wetherell. They thought that in doing that, when they had once conducted him to the Guildhall, and brought him to the Mansion-house, the popular ebullition would have passed away, and that every thing would have been tranquil. They were aware that the Reformers felt that it was proper to make some demonstration that there was no reaction in the town; but they thought that might be done sufficiently by the attacks and insults made upon him upon his approach; and that if they defended him from these, they would then have done all that their duty required. They had no contemplation that there existed that degree of apathy in the town, which the result has proved did exist, or that there existed so violent a party who would come forward to plunder and to burn, and to make Reform the pretext for it. That Bristol contained an angry population; that its neighbourhood was occupied very much by persons of the working classes, they were aware; but they thought that those persons would he contented when they had made a demonstration of their feelings, and retire.

"They then applied to the Under-Sheriff, Mr. Hare, a very intelligent and honourable gentleman, and said, 'it is your business to see the Recorder safe in the town; what number of constables do you think will be necessary?—how many officers have you?' He stated the officers he had, and his opinion,

(and no man was a better judge at that moment, for you must not judge by the event afterwards) that three hundred constables would be sufficient; and he was then told that he had the authority of the Magistrates to say, that he should get that number at least—that he should organize them, and arrange them to attend Sir Charles Wetherell upon his coming into the town. Mr. Hare applied to the chief constables of each district, and you heard from one of them who has been called, that the chief constables and the various petty constables under them, amounted altogether to about one hundred. Mr. Hare was of opinion that they ought to treble the number, and therefore he said, 'In each ward you will contrive to get as many persons as you can to serve as special constables, but the Magistrates have authorized me to say, in case you cannot get a sufficient number, to treble your present number by voluntary service, you must hire such men as you can depend upon to make up the deficiency.' Accordingly, one hundred and nineteen were hired, whom the Magistrates paid. They formed about three hundred and fifteen or three hundred and twenty constables altogether; and Mr. Hare will tell you he was perfectly satisfied, and that he told the Magistrates the number was sufficient.

"They took the precaution of meeting Sir Charles Wetherell at a short distance from the town, instead of going to the usual place, which was two miles further. They likewise desired him to approach the town early in the morning, the usual hour being the middle of the day, and they thought by that means to avoid the presence of a great multitude. With these precautions he was introduced. That sort of agitation took place that was expected; but the constables were formed to protect the carriage, and you heard from the statement of one of them, that he was conducted in safety to the Guildhall. While he was in the Guildhall, some demonstrations of riot took place, some even in the Court itself made demonstrations of anger to Sir Charles Wetherell; and I believe that Sir Charles Wetherell desired, that if any body interrupted the

proceedings, he should be brought to him to be committed. Nobody, however, was brought. The Mayor then received him at the Mansion-house.

"But I should first tell you, (for I am now going to relate the conduct of the Mayor), that he was up at seven o'clock in the morning; he went to the Council-house; he saw the marshalling of the constables; received from the Sheriff the plan he had made of marshalling them; when they were all assembled at the Council-house, the Mayor made them a speech, exhorting them to temperance in their conduct, and to firmness at the same time, and to do all they could to avoid provoking the multitude. That speech he made to them at eight o'clock, and he then returned to the Mansion-house, and dressed himself, —(the ceremony is to receive the Recorder in a full dress,)— to put on his buckles and his silk stockings, and a dress coat; and then he went to the Guildhall to wait the coming of the Recorder.

"After they had finished the opening of the sessions at the Guildhall, they came to the Mansion-house. At that place the usual ceremony is for the Magistrates that do not attend at the Guildhall, to meet the Recorder. All the Magistrates met that were able to come; I believe there was one in a distant part of England. When they met the Recorder, there were certain demonstrations of riot. Boys and men had been throwing stones at the Recorder during his progress. Some of those boys and men were discovered, and the constables attempted to take them up. That caused some struggles between the constables and them. The constables have been accused of using rather too much violence to provoke the mob. Some of the persons assembled thought so. However, there was no serious demonstration except the hootings and the crying out against Sir Charles Wetherell, and shouting, "the King and Reform, the King and Reform." Of course Sir Charles Wetherell could not take that cry as any objection to him personally. It did not put his person in danger. But in consequence of the multitude continuing, the Mansion-house was

protected by the constables. The Magistrates held a consultation whether they should go to church the following day, the Sunday, with the Recorder, as had been usual; and they thought, seeing there was a very angry feeling in the town, that it might be more expedient that the Recorder should not go to church in state on the Sunday; being a day when most of the population were idle, those who were ill-disposed would find an opportunity of insulting him and disturbing the peace, and therefore they proposed that he should not go to church until Monday, and that from the church he should go directly to the Guildhall. There was no idea at that time that any violence would be committed like that which afterwards occurred. However, as that letter of the Mayor describes, the multitude continued to increase; they threw stones at the windows and broke them. I will not repeat what that letter has stated; they made an impression upon the Mansion-house itself; some of them got in and began to do mischief.

"At that moment, a deliberation was held whether it was not proper to send for the military. Now that was a question of very great importance. There were at that time some two or three hundred constables about the Mansion-house, who had been out from seven o'clock in the morning. It was their duty to remain there till discharged; but nobody had apprehended that it was necessary they should remain the whole night at the Mansion-house at that period. Gentlemen, I must tell you frankly, that my learned friend Mr. Serjeant Ludlow did think it was proper to send for the military. The Magistrates applied to Sir Charles Wetherell, and he thought it was not. You heard from a witness who was examined the first day, that he went to the Magistrates and suggested that the military should be sent for, when Sir Charles Wetherell stated in a very emphatic manner, (you will recollect how he described him putting his hands into his breeches' pockets) 'Sir, I am of opinion that there is not a sufficient case to justify the Magistrates in sending for the military.' It was a question of discretion; it was a question upon which judgments might

differ; and Sir Charles Wetherell, who was undoubtedly not deficient in courage or in prudence, did think it was not necessary. But very shortly afterwards, the mob continuing to increase, the Mayor went out in his full dress, which he had had no opportunity during the day of changing. He was necessarily engaged during the whole day. There was to have been a dinner at the Mansion-house for the Recorder—the Magistrates and others who had assembled to meet him, had not quitted the house. The Mayor went out and addressed the mob, impressing upon them the impropriety of their conduct, entreating them to disperse; and when he saw, as he did, great numbers of decent-looking persons assembled, and appearing to cheer the mob, he expected of course that his address would have some influence upon that description of persons. He implored them to disperse, and said that 'he should be exceedingly sorry to take any measures of force, but that he should be obliged to do that unless they would disperse.' He could not, however, prevail upon them; upon which a further deliberation was held as to what should be done, and it was then agreed by every body that it was time to read the Riot Act, and send for the military. The military were sent for; and while the messenger went, the mob increased in fury and in violence.

"Gentlemen, was this a time for the Sheriff to order out the Posse Comitatus, or for the Magistrates to go out to get every man to come and assist? The life of every man in the house was in danger; the mob had forced the Mansion-house door, and had begun to plunder the lower apartments; they had brought combustibles into the house to burn it. Sir Charles Wetherell was advised, as it was conceived he was the object of the fury of the mob, to quit the place, because his life was in danger; and I thank my learned friend for not filing an information against him, because he certainly did abscond. If it be any crime in a Magistrate to avoid the discipline of an infuriated mob, Sir Charles Wetherell ought to be thankful to my learned friend for not having indicted him, for he too is a Magistrate. But there was no crime in the one any more

than in the other. He was advised to quit the place—the mob forced their way in—the drawing-room windows were broken. The Magistrates had been in the drawing room. Some of them retired to the bed rooms up stairs, that they might have a better view of what was passing; and some went higher still, in order by throwing down tiles to check the mob. The opinion of the majority was that they ought not to do so; that such ammunition would be soon exhausted, and not effectual while it lasted. The Mayor, while that was passing, and from first to last, was not backward in exposing himself to personal danger, and in fact he surprised even those who knew him, by his activity, his personal exertion, and his zeal. He went down and received Colonel Brereton at the risk of his life;—that is the first lie I give to Mr. Townsend's evidence. Now, Gentlemen, let me ask here, is it to be gravely urged by my learned friend, the Attorney-General, that the Magistrates are to be prosecuted because when an infuriated mob break into the lower part of the Mansion-house, and break the windows of the drawing-room, they take refuge up-stairs in the bed-room? That is the argument. Of the variety of witnesses he has called, not one has told you that the Magistrates there, (six or seven or more in number, some of them very old men,) if they had gone out bodily could have checked the riot. Nor am I aware of any law that compels a Magistrate to do so; he is to read the Riot Act, but not to go and play at fisty-cuffs with the mob. Where is it to be found—in what law book, that a Magistrate is to put himself at the head of the Constables or the Military, and make a charge upon the mob? Whoever states that, states a proposition new in this land. A Magistrate may do it; there may be circumstances where he or any other individual ought to do it perhaps; but the law does not make him criminal for not doing it. It is no part of his necessary duty to place himself with or without arms at the head of a body of Constables; his duty is to make arrangements, and to employ others to put an end to the riots, but not to use violence with his own hands.

"When Colonel Brereton arrived with the 3rd Dragoon Guards, something had occurred regarding that regiment of which I do not know the history, but which made the mob well disposed towards them. Colonel Brereton was not the officer of that regiment,—he was a Colonel upon half pay,—and if he had no other duty to perform, he would not have had any command at all there; but being upon duty in the recruiting service, it was his province to take the command of whatever subordinate officers came within his district, and therefore the other regiments sent into the neighbourhood, which were ordered into Bristol, were placed under the command of Colonel Brereton. A squadron of the 14th Light Dragoons came in; but they were not so well received as the 3rd Dragoon Guards. As these last approached, I shall prove to you that they were received with cheers; that there were hurrahs for the 'King and Reform;' they were approaching the soldiers and shaking hands with them, which might have satisfied Colonel Brereton himself that he could not have relied upon the 3rd Dragoon Guards. Colonel Brereton went out and saw the state of things, and gave it as his opinion that there was no reason for the soldiers to do any thing but to ride about the square and the streets. The Magistrates differed in opinion from Colonel Brereton; they were of opinion that it would have been easy to make use of the soldiers to disperse the mob. The Constables stated that they were not sufficient for that purpose,—that they were worn out with fatigue. The Constables had been there from seven in the morning till four or five in the evening; they had had no refreshment nor repose. Neither Magistrate or Constable at that period had had any rest or refreshment. But the Colonel was of opinion it was sufficient for the soldiers to parade the streets, and guard the Mansion-house and the Palace; that the mob were a good-natured mob and would disperse. He went out a second time, and came in again and said his arm was tired with shaking hands with them, and that they would disperse of themselves. Others thought differently,—that as the troops were shewn they ought

to have been used, and the mob immediately dispersed. He said to the Magistrates 'do you order me?' The answer was, 'yes, we give you orders to clear the streets.' He replied, 'do you order me to fire?' The answer was 'yes, if it is necessary,—you are to do what is necessary.' But were the Magistrates to order him to fire at all events? The opinion was given to him, that it was necessary for him to clear the streets by the sabre at least, and force the mob out of Queen Square; and he said this: 'Gentlemen, be at your ease, there is no occasion for it; I undertake on my own responsibility for the safety and peace of the town this night.' At that time some of the Dragoons were brought in wounded, and some of the Constables also. Serjeant Ludlow said to him, 'it is odd you should say the mob are good-humoured, when these persons have been wounded by them.' Meantime a party of the 14th Light Dragoons had attacked the mob, and driven them down to the bottom of the Square, but from whence they escaped into the market. An officer came in to say that the mob were pelting the soldiers with stones, from the positions they had taken; that they had put out the lights, and that it was necessary to have some of the Constables to detect them and drive them out; and a Constable present offered that with 25 men he would go with the officer, and find out the parties assailing them; but Colonel Brereton said, 'it is not necessary; I have been among them, and it is not necessary; let the 14th Dragoons go to their quarters, I will parade the streets and be responsible for the safety of the city to night.'

"Gentlemen, at this period are you ready to say that the Magistrates were guilty of any crime? It is not from the record, but from the speech of the Attorney-General, and from the evidence, that I collect what the charge is; he says, 'it was their duty to order the soldiers to fire, and not to throw the responsibility upon them.' I beg to tell my learned friend that I think no man in England would entertain that opinion. When the military officer had given his opinion, and undertaken to secure the peace of the town, and that the mob should dis-

perse; if the Magistrates had ordered him to fire, they would have been guilty of murder; and Colonel Brereton, if he had fired, would perhaps have been guilty of murder also; because if he was of opinion the thing was not necessary, he was not bound to obey the orders of the Magistrates. But he undertook that the town should not be exposed to disturbance; and if he had fired, or the Magistrates had ordered him to fire, and death had ensued, they would have been guilty of murder; and sure I am that with the then feeling in Bristol, and the feeling throughout the country, they would not have been protected. I do not think that innocence of intention would have saved them from prosecution or from being removed from their situations as Magistrates.

"But now, gentlemen, advert to the period of the night towards ten or eleven o'clock; the mob had began to subside, and Colonel Brereton was a true prophet. At twelve, or soon after, the town was in perfect quiet; the man was right. Up to twelve o'clock, is there any thing to shew, Colonel Brereton being right in his prediction, that they would have been justified in firing upon the mob that night? What do the Magistrates do? My duty now is only to detail to you Mr. Pinney's conduct. Colonel Brereton having informed them that the town was perfectly quiet, and that they were in safety, he added, 'I shall leave a few soldiers to protect the Mansion-house, and retire myself; but I shall be ready to attend your orders if any thing further takes place to require my presence.' But this Mayor, who is accused of neglect, and two Aldermen who remained with him, sat up the whole of the night. It was agreed among the Aldermen, that they should meet at the Guildhall the next day, at ten. Sir Charles Wetherell had retired from the town. A gentleman was sent to convey him away in secrecy, that his departure might not be molested. Placards were then posted about the town to notify that he was gone. It was agreed that the Magistrates would meet at ten o'clock in the morning, to concert whether any further measures were necessary, which would depend upon the transactions that

took place in the course of the night. The Mayor and two Aldermen sat up the whole night. Major Mackworth, a gentleman of high character and honour, and one of the Staff of Lord Hill, happening to be in the town, came, as you have heard, to tender his assistance; he was at the Mansion-house, and I shall call him as a witness. He will prove that, in the course of the evening, himself and the Mayor did marshal the constables. Major Mackworth supposes that he suggested it. Two other gentlemen claim the merit of it; but however, the Mayor was advised to marshal the constables; and you have heard the fact from one of the witnesses for the Crown, that he was put at the head of twenty-five men, and ordered to protect the east-corner of the Mansion-house, and prevent any attack of the mob upon that part; that others were stationed in other positions, in order, by a combined operation, to suppress any violence; and you further heard from him, that he had not been there long, when, happening to turn himself round, he was deserted by all but five of his men! The Mayor had ordered him twenty-five, and only five were left; he had no means, therefore, of doing what he had been directed to do. That is the evidence. I admit that the Mayor is to make provision to get constables together; but if those constables choose to go away, is the Mayor responsible? Some of the Magistrates quitted Bristol; some of them resided in the city; and some of them in the neighbourhood. Some were Magistrates of the county of Gloucester; some of them resided at Clifton, which is not within the city of Bristol. The Town Clerk's residence was in Clifton. Mr. Pinney himself had recently arrived from the West Indies, and was recently married. It was not necessary for him to procure a residence immediately; being elected Mayor for that year, he had the Mansion-house, and he remained in the Mansion-house. But from that period, you will see it was in such a state that he could not go to bed. One of the witnesses said that Mr. Sheriff Lax went to bed there; whether that was so, we do not know; but the beds were devoted to some wounded people

who had been brought in, and the Mayor and some of the Magistrates sat up all night. Major Mackworth agreed to come, and did come to the Mansion-house early in the morning. While he was there, some of the military who had been left, six or seven of them, having retired from the Mansion-house, the mob assembled together again very suddenly, and renewed their attack. That will be described to you by Major Mackworth. The attack was renewed with so much violence, that not the Mayor only, but this gentleman, thought every man's life was in danger; but notwithstanding that, I shall prove to you that the Mayor expressed his determination not to leave the house. But when Major Mackworth said, 'I give you my authority as a military officer, that you ought to leave it; and if I give you my opinion that the post is no longer tenable, surely you may quit it;' the Mayor, with Major Mackworth and two other gentlemen, accordingly left it and made their escape in this way, which is contrary to the evidence of Mr. Townsend—the larder, and other places in the Mansion-house, you have heard spoken of; but you are not to suppose that the Mayor was intimately acquainted with every part of the Mansion-house, or that he went peeping and prying about it. The mode in which they escaped was this: they got through a window on the stair-case, and descended upon some leads adjoining the house, and from thence descended by a ladder upon Mr. Leman's premises, and were lifted up by the same ladder on to the next house, and four or five of them escaped together: at least there were Major Mackworth, the Mayor, and Mr. Gibbons; there were three at least, if not five, who escaped in that way. The mob were in multitudes, then increasing, before the Mansion-house. They had renewed their attack, and forced through the barricades made by the beds which had been put to the lower windows, and Major Mackworth and the Mayor were obliged to crouch down below the parapet, so as not to shew that they were escaping, and they so continued till they got to the Custom-house, and there they escaped.

"Gentlemen, my learned friend leaves the Mayor without any history of what he was doing after that period. I beg you to pause, however, and ask yourselves, can you find any cause to blame the Mayor up to that period? Was he wrong in not ordering the military to fire in the night? Could he then have assembled more constables? Would they have come? Was not the riot quelled? Was it renewed with his privity and concurrence? Was not he justified in escaping to save his life? If he was, I have him in safety till seven or eight o'clock in the morning. My learned friend's evidence takes him up at a subsequent period. A witness has proved that he went to the Mansion-house early in the morning, and saw Alderman Hilhouse; and that Alderman Hilhouse and himself afterwards saw the Mayor. My learned friend does not give you any explanation of that transaction. It will be my duty to supply the omission. I will prove to you that the Mayor went about in the original dress which he had worn on the day of the procession. He had not had time to change his clothes. He was in his silk stockings and thin shoes, walking about the streets towards Colonel Brereton's office; and in his way he knocked at the door of many houses, inviting every person to come and join him, stating the riot at the Mansion-house, and calling upon them upon his authority as Mayor, in the King's name, to aid in restoring peace. No one joined him. He proceeded to Colonel Brereton himself, and stated that the Mansion-house was attacked and the mob assembled again, and required immediate assistance. He met Mr. Alderman Hilhouse in his way, and returned with him to the Mansion-house. The troops were brought out, and he followed them with Colonel Brereton. I do not recollect whether Colonel Brereton was there, but the Mayor actually came with them himself in the morning, and Mr. Alderman Hilhouse read the Riot Act. The Mayor and the troop came together, and for a time the tumult was quelled.

"Gentlemen, recollect that I told you that the Mayor had made an arrangement to meet the Magistrates next morning, at 10 o'clock, and had ordered hand-bills to be circulated, stating

the absence of Sir Charles Wetherell; here is one of them: "Mansion-house, October 30th, 1831;" they were printed that night; it is in these terms:

'It is with feelings of the deepest regret, that the Magistrates deem it their duty to call for the immediate aid and co-operation of their fellow-citizens, to allay the great state of excitement now disturbing the inhabitants.

'The delivery of the Jail has been abandoned, and Sir Charles Wetherell, the Recorder, left the city for London last night.

'CHAS. PINNEY, Mayor.'

This was dated from the Mansion-house; it was agreed that Sir Charles Wetherell going away should be published early on the following day, and this was distributed about the town—"Sir Charles Wetherell left Bristol at 12 o'clock last night." This very act of notifying his departure proves that the opinion of the Magistrates at the time was, as it was the opinion of one of the persons already examined, that Sir Charles Wetherell was the main object towards which the enmity of the mob was directed, and that his being withdrawn, the riot would be quelled. They were in hopes that would be the case. The renewal of the riot at the Mansion-house did not confirm that opinion. Many persons tore down these hand-bills; they were torn down as fast as they were stuck up. The Mayor accordingly went to the Mansion-house at ten o'clock, and this was agreed upon, that they should issue immediately notices to call upon the citizens to assemble to aid the Magistrates. Now, gentlemen, I pray your attention to this part of the case, because I have some facts to state to you, that seem to me to put an end to the case for the prosecution. I am now upon Mr. Pinney's case; I do not enter into the case of the other Magistrates; their time will come. They issued this: "The Riot Act has been read three times—all persons tumultuously assembling are guilty of capital felony; —by order of the Mayor." They then issued what has been read already—"The Magistrates most earnestly entreat the assistance of their fellow citizens to restore the peace of the city by assembling immediately at the Guildhall—Sunday morn-

ing, half-past 10 o'clock." This was carried and left at every door;—it was printed during the Sunday, and is dated Sunday morning;—it was left at the houses of the inhabitants.—I will call to you the witness who left it at every door, and you will see how many that produced. But that was not all; the Magistrates issued this further notice. Only one person has been yet called who got this notice; for my learned friend, though he has called witnesses from Baptists' chapels, and Dissenting chapels, and from Lady Huntingdon's chapels, and Quakers' chapels, has only called one churchwarden. This was the notice that was distributed at each of the churches:

'The Magistrates feel it their duty earnestly to request that you will adopt immediate measures to assemble your parishioners in your church, in order that they may be formed into a constabulary force in aid of the civil power, for the protection of the city and its inhabitants, and as you form, to proceed to the Guildhall immediately.

'C. PINNEY, Mayor.'

Now, pray what does my learned friend expect the Mayor to have done? Was he to go himself to each church? Must he have gone to as many houses as he could? Was he to go and drag men out of their beds and say, 'you shall go with me?' He had not the power to do so. But what was the result of this notice? One churchwarden has been called alone who got this notice—Mr. Quinton. Mr. Quinton, upon receiving a notice which was not read to you, but which I will prove to be this notice, immediately assembled as many of the parishioners as he could, and he found he could muster seventy. Did they form and proceed to the Guildhall? No; he went himself,—he saw the Magistrates,—he said, 'I have received your notice, and I have come in obedience to it, and I find I can muster 70 of my parishioners who are willing to serve, but they require to have arms; upon which the Mayor, or the Town Clerk, he does not know which, said, we could not authorise the use of arms; every man is justified in using arms to defend himself, but the use of fire arms to disperse a mob cannot be authorised.' —One of my learned friends thought he meant staves.—'Had you any staves?' 'Yes; we had staves in the parish, but we

meant fire-arms.' I presume one of the charges against the Mayor is, that he did not order the use of fire arms. My learned friend will excuse me for making these presumptions; I do not find any thing specific upon the record; I only collect the charges from the evidence. I say the Mayor had no right to do it; and if he had, it would have been very imprudent to do it. But you will have the opinion of military men upon that subject. Now, in the first place, among the 70 men, how many of them are you sure may not join the mob? In the second place, suppose they do not join the mob, how can you tell that these 70 men, if you give them arms, supposing you have fire-arms to give them, will be so trained as not in a moment of panic to shoot each other; or if they do not shoot each other, how do you know when they go out and charge the mob, that instead of keeping in compact order as soldiers would do, they may not open their ranks and thus let in the mob to take their arms away from them? The better opinion has always been, that it is a most dangerous thing to attempt to quell a mob by fire arms in the hands of persons not acquainted with the use of them, or accustomed to act together. In a case of extreme necessity, you may be excused for resorting to them; and if I saw Westminster-Hall on fire, and Westminster-Abbey plundered, if I could turn one of the cannon in the park against the plunderers, I own I should not wait for the order of a Magistrate; and that I should hope to be excused, although I spilt some patriots' blood in saving them; but I am not to be hanged, drawn, and quartered for not doing it. But that would be nothing compared to putting fire-arms into the hands of an undisciplined rabble. I should like to know with certainty, before I took such a step, that I did not run the risk of spilling innocent blood instead of the guilty, by the mob getting possession of the arms from the constables. What was the answer?—without fire-arms they will not go. Here you have a distinct notice from 70 men, who were ready to go with fire-arms,—but a small portion of the parish you will observe,—that they would not act without them. Have no en-

quiries been made of other parishes? Have the prosecutors brought forward this charge without inquiring of other parishes what effect that notice produced? Is it credible? Is a prosecution by the Attorney General brought into this place against the Magistrates, whose protection ought to be the object of every wise Government,—is it a part of his case to impute crimes to them, and make general charges without laying before you the history of any inquiries he has made in other parishes, to know what other people were willing to do? The history of this cause, up to this date, answers the question. But I will tell you what you have ascertained. With all the labour and pains taken by administering leading questions: 'Did not great numbers assemble?' 'Were there not more than 200?' —you have not been able to find that all the pains the Magistrates took up to that hour of the morning, produced a meeting exceeding 200 persons. What is the population of Bristol? It must possess a population of 30,000 abled-bodied men;—considering the occupations in Bristol, and the number of persons required for different trades, 30,000 might have been found in Bristol. But 200 men are the utmost amount my learned friends give you as the result of all the pains of the Magistrates to collect them. They dropped a notice at every door, and delivered one at every church, calling upon persons to form themselves into bodies, and thus formed to assemble at the Guildhall. That was the way to preserve the peace of the town. If in every parish 70 or 80 men had been formed, and headed by the churchwarden or chief constable, they would have been enough to put the mob to the rout. You have one officer who says, that his people will not go unless they are armed, and you have only 200 people assembled. The Mayor is at the Guildhall; Colonel Brereton has ordered in the 3rd Dragoons again to protect the Mansion-house, and the 14th Light Dragoons to come in.—The 14th Light Dragoons the night before had unhappily fired and shot a man; upon retiring to their quarters, they were assailed by stones, and a random shot had killed a man in the dark. This had caused an irri-

tation in the minds of the people, and Colonel Brereton said it was unsafe for them to stay. Colonel Brereton came to the Magistrates, and told them he must send the 14th Dragoons away. They were alarmed; they said, with the present disposition of the mob, and the indisposition of the people to come and assist us, you cannot intend to do that.' He said, 'yes; they must go away;' he had ordered them to their quarters; they were pursued by the mob with missiles, and they were obliged to fire in their own defence; and when they got into their barracks, they were obliged to barricade their doors. I am not sure whether Colonel Brereton was wrong; things were coming to a crisis; and let me state to you from a book in great circulation, some little matter upon this subject. These transactions happened on the 30th of October last, and about the 30th of October preceding, this book was published, being the Edinburgh Review,—a work of very extraordinary merit, and under high patronage,—a book that is circulated in all good societies, and read by every officer in the army who pretends to know any thing, and very much read by the mechanics in their Institutes, and worthy to be read by every one. No one can deny that it was edited with considerable ability. I am about to read sentiments of this reviewer, to shew how Magistrates and military officers were put upon their guard. It is an article professing to give an account of the three glorious days of July in Paris, and it is entitled, 'The late Revolution in France;' and I find in it these words:

'Several lessons have been taught in the *University of Paris*, which will not soon be forgotten. The soldiers of other countries have taken a degree there. It will be an honour to them, for it will make them remember they are citizens. It will be an advantage to them, for it will keep them from being exemplarily punished, and without any delay by their fellow citizens. The lesson which all armies have learnt is, first, that their duty is not to butcher their fellow subjects at a tyrant's commands, in order to save a priest's favour, or a minister's place. Next, that if in breach of their duty they lend themselves to the treasonable plots

of courtiers, they are rushing upon their own certain destruction. For a lesson has also been taught to the citizens of all great towns, that the soldiery cannot succeed in enslaving them by force of arms. A well-inhabitated street is a fortress which no troops can take if the inhabitants be true to themselves, provided there be other streets near requiring a like attack from the military. Far be it from us to suspect the gallant soldiery of other countries of shewing less patriotism, less humanity than those of France lately displayed, but the example is encouraging to the virtuous portion of the army.'

"Now this work (continued the learned Counsel) is read by every body, and admired by all who read it. What impressions must this passage make upon the minds of military men? Colonel Brereton thought the 14th Light Dragoons would be sacrificed. The 3rd Dragoons had learnt their lesson; they had taken their degree; and he doubted whether he could compel them to fire if he ordered it. How did he know in this state of things if the 14th Dragoons came in, that the citizens had not also taken their lesson in this university, and were ready to sacrifice them? He thought they had, because it is proved over and over again, that he stated his firm opinion that they would be sacrificed, every man, if they returned to the town. Now, whether Colonel Brereton was right in that opinion or not, it proves this, that the force of the mob was very great, and that it required a great force to repel them. Then having sent them to their quarters, and having witnessed the scene that passed, he comes to the Magistrates during the period of time when some of those 200 persons had not dispersed, and Colonel Brereton says, 'I must send them out of the town; they are gone to their quarters, but I must send them out of the town.' 'Good God! you will not do any such thing,' says the Town Clerk; 'you must not do it.' 'You will subject the town to a conflagration,' says the Mayor. 'I must do it,' says Colonel Brereton, 'or every man will be sacrificed.' 'You do not intend it?' 'Yes; I will do it on my own responsibility.' 'Then the Magistrates do not

divide the responsibility with you; you do it on your own responsibility.' My learned friend says, that a Magistrate has the power of compelling any man within the sound of his voice to assist him; but he does not mean to say they could do that with Colonel Brereton, and lay hold of him. Colonel Brereton then inquired, what places there were near to which the 14th Dragoons could be sent? The Magistrates said, 'if we point out the nearest places, recollect we do not divide the responsibility with you; there is Brislington,—you may order them there; but we do not authorize you to take them away.' But he ordered them away; and the Magistrates, finding that all their notices had brought together only 200 persons, and those not formed and not armed with staves, stated to them that their assistance was not sufficient; let us advise you each to go home, and come here again at half-past 3 o'clock; speak to as many of your neighbours as possible, and get them to come forward with you, and come at half-past 3, and let us see what we can then do.' My learned friend's case turns upon this great sophristry, as if the Magistrates were to make them a plan to operate with—but what signifies a plan without the materials to work upon? The Magistrates had already stated the plan they meant to adopt—'Come with your men formed to the Guildhall.' That was not done. Then what were they to do? The constables who had been out the night before, had, for the most part, retired to refresh themselves; some were wounded and bleeding; and some few remained with the Magistrates to give them assistance, but they were not adequate to suppress this mob.

"What happened at half-past three? You have it in evidence by the prosecutor himself, that instead of coming in increased numbers, with all the supposed activity they were to use to increase their numbers, not more than 150 came. Observe in what a destitute state these Magistrates were left. Can you suggest any better means by which they could invite persons to come forward to aid them? Can you tell how they could make the inhabitants come forward, and disregard all private mo-

tives, all local prejudices, and all personal danger, to save the town? No; at that time nobody speculated upon any danger to property, except to the Mansion-house and the Corporation property. But I must return to my narration, and pursue the Mayor. You have heard repeated questions put—'did you see the Mayor?—did you go to the Guildhall doors?—were they fast?' You should be aware, gentlemen, that the Guildhall doors are never opened but upon the accustomed sessions of the Magistrates, and there is a regular known private entrance to the Council Chamber, as well as to the Guildhall, and a person was stationed at a proper place to tell the people where they might get access to the Magistrates. I will prove that after this meeting the Mayor, who had passed the night without going to bed, was still in his holiday clothes, except a frock coat for which he had changed his dress coat; and his brother Magistrates said 'you had better take some repose;' he refused; the Magistrates said, 'you must do it—we must compel you—you can do nothing—the people will not come forward to help us, and we must wait to see what occurs at 3 o'clock; if you get but an hour's sleep it will be of service to you.' Only think of that short dedication to necessary repose being tortured into a crime. The only specific charge in this information is that he absented himself from his post; so that a Magistrate is to go without food and sleep while a mob is raging, however long, in the town! He went, compelled by a sort of gentle violence, for an hour to the White Lion, where they ordered a room to be prepared;—the city solicitor, Mr. Burgess, went over the way, for it is in the same street, to direct them to get a fire for him and a bed ready, as he wanted some repose. Gentlemen, during that hour, while the Mayor was in that place to which I have now traced him, first from the Mansion-house in the morning, and then from the Guildhall, it was in that hour, between 1 and 2 o'clock, that intelligence came to the other Magistrates that the Bridewell was in danger. Now here I must correct what was a mistake in that letter to Lord Melbourne which has been read; the date was

given 11 o'clock. That was a mistake in the fair copy;—I have the person here who wrote the letter—it was between 1 and 2 o'clock; it ought to have been 1 instead of 11 in the letter, but it stands now 11. It was about 1 o'clock that the Magistrates received intimation that the mob were going to the Bridewell; Mr. Burges immediately went over to the Mayor, who had not been in bed any part of the time; he went into the room and found the little man with his coat off, and apparently in the act of shaving. I cannot call him before you, but from what Mr. Burges saw, he had no reason to suppose he had lain on the bed,—he had been shaving and washing his hands, with the intention of coming back again when called for. He put on his coat immediately, and went back again to the Guildhall. Then comes the deliberation what shall we do about the Bridewell? They had received information that the mob were hurrying off to the Bridewell in considerable numbers. Does the witness understate the numbers? People see differently according to the views they take; but I complain of no man, who, when a town is in a state of riot, does not see things with the same eyes as other people. I have known very honourable persons who witnessed a riot, in a court of justice give very opposite accounts of the same transaction. He returned, and was told of this event. They had not a sufficient force at the Guildhall to go to the Bridewell. They applied to Colonel Brereton, and Colonel Brereton said, his men could not stir.—It was in vain to go without them. He was asked, 'why cannot you order them out?' He answered, 'their horses are so tired they cannot raise one heel after another.' 'Will you consent that we shall find other horses for you?' This is a part of the case which my learned friend has partly proved. Mr. Protheroe has been called, who went to two repositories to find horses, and found none. I shall prove by another person that he went and found 40 horses. Brereton was told he might have fresh horses; Colonel Brereton said, 'are they trained horses? the troop cannot use them unless they are.' Then he was asked, 'will your men go dismounted,

and we will endeavour to afford the best assistance we can?' To which the Colonel replied, 'who ever heard of cavalry acting dismounted?—it is impossible.' While this was passing, the Bridewell was captured. You have heard, in point of fact, that its gates were assailed by the mob; that they carried hammers and instruments of great force and violence; and they actually broke the gates, and I believe took them off their hinges. Mr. Roberts has told you that they went in compact order;—I forget what he said as to the number,—but he said that they went as if they were organized, and had a leader;—that a dense multitude immediately followed them. Did the multitude join them? Perhaps not; but the multitude was very formidable; they looked on and countenanced them, and gave protection by their presence. The next object was the Jail,—the Mayor was still at the Guildhall,—and the moment accounts were received from the Jail, they despatched a messenger again for Colonel Brereton; and you have it in evidence, that two of the Magistrates did go, accompanied by 40 people. The Jailer came to ask what was to be done, and you have an account given you, that it was said, 'you may discharge your prisoners, we will give you no directions:'—that is the evidence at present. Were they wrong upon that? The information does not charge that as an offence; but it depended upon his judgment, if the mob were satisfied with the prisoners being discharged; you will not say, if he could save the place from being burnt, that to release them was wrong. But I will prove the fact, that two of the Magistrates did go, and that they sent for the troops, and told them at their peril to come instantly. You have accounts in the paper which Mr. Dealtry has read to you, of the appearance of dense multitudes; they forced their way through as well as they could; they were attacked, and one was severely wounded; the mob was entirely overpowering; they could not penetrate it. They could, however, see the troops come and go over the bridge into the island near the Jail, and the mob begin to fly; when, to their great surprise, presently the mob came back, the soldiers went away, and left

the mob to do as they pleased. I will prove to you by persons who heard it, that the military were cheered and hailed by the mob as soon as they were found to be the 3rd Dragoon Guards, who had taken their degree at the university of Paris. It was nothing but 'the King and Reform.' The officers paraded the troops for a moment; and seeing that the mob had likewise taken their degree, they marched back again, and left them to do as they pleased. What were the Magistrates to do? Who assisted them? What parishes were ready with their forces? What Quaker or Catholic Priest, or Dissenting Minister, was ready with his flock, with their staves upon their shoulders, to aid them? None. These calamities took place in a period almost as short as that in which I have stated them to you. You know when once a mob breaks into a place, their work is done immediately; they burnt the Jailer's house, but not the Jail; I presume the Jail presented some difficulties; the Jail was secure from the flames, but they let out the prisoners.

"Gentlemen, the next place was the Bishop's Palace. But what had become of the Mayor in the mean time? I do not go over the history of the meeting at the Guildhall. You find that Colonel Brereton refused to bring in the military again; and you find that very singular circumstance which is opened as a charge against the Magistrates, namely, that Mr. Isaac Cooke, a solicitor of Bristol, goes to the Magistrates, and makes an attack upon them for not employing the military in putting down the riots. Were they guilty of that? Mr. Isaac Cooke tells them he was ready to go if he could but get 10 or 12 soldiers to cover him; that he would go and get some men to accompany him; he says he knows, from prior transactions, the angry nature of a Bristol riot, and that the mob were not to be put down without military. Then what happened? Could the Magistrates give him military aid? They said they could not give it. Then Mr. Cooke grew angry, turned round, and said, 'I will go and take care of my own property.' Here is a distinct refusal by a man of property in the town; he is an honourable man, I am sure, if he is the person I have known

in the profession; he ought to have known all the law which the Attorney-General has been giving you, and a little more too, but he will not assist the Magistrates if they will not give him that which they have not the power to give, namely, the military aid! Is not that conclusive evidence in the cause? Here is a respectable man and his 50 friends, who will not give any aid without the military, which they could not have. The Magistrates cannot sow dragons' teeth in a moment, and let them grow up and use them to fight. Mr. Cooke could not have his military men, and the Magistrates shall not have the civil men! Does my learned friend mean to say that they ought to have gone out themselves? 'Yes,' says the Attorney-General, 'if ten men would go with them, they ought to go out.' I say that they ought not, if by going out, there is every probability of those ten men and themselves being sacrificed. But the Magistrates *did* go. The Mayor himself did not go to the Jail; he is not a very good man to see in a crowd when he walks; and it is one of his crimes if he never mounted a horse in his life; he did not know it was a crime before; he did not go with them, but two other Magistrates did go to the Jail. After that effort was made, there was a respite for a short time. The Mansion-house was not then in flames; there were a few troops put to guard it; they were guarding the front, and when they were told the mob were breaking into the back, they said their station was the front, and they would not quit it. You have heard that the soldiers stationed at the front were sufficient to protect that part, but the moment a dragoon moved from his post, some of the rioters opened one of the cellars; the men then got into the cellars, and the soldiers had no objection to share the wine with them; they drank wine with the mob, and were hand and glove with them. Nay, one of the witnesses has said, 'when I went and found the troops and the mob were hand and glove together, I thought it was of no use for me to stay there.' But no conflagration had taken place at that time, except at the Bridewell and the Jailer's house. The Mayor was advised, and the Magistrates,

that it was proper to send an express to Lord Melbourne. In the course of the morning they had been writing in all directions wherever they heard there were troops,—even at Gloucester, 40 miles off; wherever they heard there was a yeomanry corps, there was a messenger despatched; and I believe there was a very considerable sum of money paid that day for expresses at the Post Office, to go in all directions. But they thought it their duty to send an express to the Secretary of State; and it was thought fit, that before it was sent off, Col. Brereton should be aware of what they wrote. For though they differed in opinion with Colonel Brereton as to the military, they were not prepared to say that their own judgment was the best; they might think him the best judge whether the 14th Dragoons would be sacrificed or not. They informed Lord Melbourne of the state of things, and two Magistrates went to Colonel Brereton's office, close to the Palace—the windows look into the Palace Court,—to read this letter to him. They wanted also to see him, to arrange with him to provide for the troops that might come in, in the course of the evening, by the Mayor's orders. Two of the Magistrates went to Colonel Brereton,—not the Mayor,—he did not arrive with them; for be it known to you, that Serjeant Platts and the Irish gentleman who have been called, are mistaken in their story. One of them was drunk at the time; how he got his liquor I do not know, but I will prove to you that he had been drinking with the mob. One of the Magistrates inquired for Colonel Brereton, —he was told he was at dinner; and as they were writing a letter, they said 'you need not go to him now, he will not be long absent.' While they were there, the Mayor, the Town Clerk, and Mr. Burges joined them; they all had the common object of making some arrangement with Colonel Brereton as to what could be done. A letter to Lord Melbourne was written by Mr. Fripp, and signed by the Mayor. Colonel Brereton came in, and the letter was read to him. But the immediate cause that took the Mayor to Colonel Brereton's, combined with others, was this: a report had come to the

Guildhall that the mob intended to go to the Quay, and set fire to the ships in the harbour. The harbour is so situated, that if the ships were set fire to, the whole town must have been in a conflagration. It surrounds, or runs through, nearly the whole of the town; and the ships are mixed up with the streets and the population. A report coming of that sort, they went to concert with Colonel Brereton how the mischief could be prevented. Mr. Alderman Fripp was to read the letter to Col. Brereton, and, if he approved of it, it was to be sent off immediately. The Mayor arrived, and the whole of the story you have heard as to any enquiry about the means of escape, is utterly untrue as regards that period; the witness is confounding it with another period, later in the night. There was no occasion to escape then; there was no alarm. Colonel Brereton sent a sentinel to ascertain what direction the mob were taking,—that is true; and I believe it did happen, that just before or just after the Mayor went in, a report came that the mob were going to move towards the Palace. But the Mayor went away in perfect calmness; the Magistrates had done their duty; they had arranged the letter, and Mr. Burges carried it to the Post Office, and Serjeant Dinidge went with him, and he told him he heard the mob crying out 'down with the bishops;'—I beg your pardon, I have fallen into a little inaccuracy here; there had been some men going towards the Palace, and he asked who they were; he said, only some of the mob. I am mistaken about the hour when 'down with the Bishops' was cried, and I am much obliged to the gentleman for correcting me. I understand it took place at a later hour of the night. But the Mayor went away in perfect calmness, and returned to the Council-house. The adjournment to the Council-house, as you have heard, had been made as to a place of last resort,—as a matter of desperation. They found that the civil force would not come to assist them, and the military had been withdrawn; and a speech made by Mr. Serjeant Ludlow has been introduced in Mr. Roberts's evidence. I am sure, if Mr. Roberts could explain it, he would tell you that he

never put the explanation upon that speech which the Counsel for the Crown has done. Mr. Serjeant Ludlow expressed no personal fear; but he said, 'as we find it impossible to decide upon any thing,' (not that the Magistrates were unwilling, but that they had not the means of concocting any plan) 'it is time to consult for our own safety, (that is, of the Mayor himself and the Magistrates) what is the best fortress? Shall it be the Guildhall, or the Council-house?' The Council-house contains the Corporation muniments; and of course that was the place chosen, and the few persons who remained, were at the Council-house; and therefore it was from the Council-house the Mayor went to Colonel Brereton. Upon his return he went up stairs; and whilst he was up stairs, Alderman Camplin came. He had not been out for some days; but he came out in consequence of the disturbances. He is the brother-in-law of Dr. Gray, the Bishop of Bristol. Mr. Alderman Camplin being there, and hearing the report that the Palace was likely to be attacked, and that the Mansion-house was then in flames, proposed that a party should go to the rescue of one or the other. You have heard the evidence upon that subject,—'shall we go to the Mansion-house, now burning, or to the Palace, not yet on fire?' The cry was, 'to the Palace;' and 40 and 50 were ready to go, and Alderman Camplin issued out, when there was a cry that the Mayor was coming down; and immediately some person said, 'we will go with the Mayor;' the Mayor said, 'we will go with you,' and returned up stairs, I believe, for his hat, or some other momentary purpose. Only think, gentlemen, of the evidence which has been given upon that subject. The prosecutors know that the Mayor *did* go, and they leave it to you to imagine and receive an impression, as if he had skulked away! He asked Mr. Serjeant Ludlow, 'Have you any objection to go with me?' 'No,' said Mr. Serjeant Ludlow, and he goes, and 30 or 40 people go with them. I will prove that he called upon every person he met, and Mr. Serjeant Ludlow called upon them in the King's name to assist the Mayor in putting down the riots. Instead of accession,

however, the party diminished as they got to the Palace. The Mayor had before then arranged with Colonel Brereton, that he must draw out some troops to the Palace. Mr. Alderman Camplin's party arrived just when the troops had driven the mob away, and his party went in; the entrance was entirely clear; he wished to preserve the interior of the Palace; he went to a neighbouring house and got a light, and went into the Palace, where some of the mob were taken prisoners. I will prove some extraordinary facts upon this part of the case. The military were in the yard; and in one or two instances, when one of the Bishop's own servants had taken hold of a man who was plundering the property, a soldier forced him to let go his prize. He then took hold of a second man, who had got some of his master's plate; he told the soldier 'it is my master's plate.' 'Let him go,' said the soldier, 'or I will cut you down with my sabre.' That was the use the 3rd Dragoons made of their force; they had taken their degree in the University of Paris; and I do not attempt to conceal from you, that the persons who went to suppress the mob, were as much afraid of the soldiers as they were of the mob. Such is the consequence of giving useful lessons to the soldiery! The immediate plunderers, you observe, who had got into the house, were some of them taken prisoners, and carried down to the yard; the military forced the people to let them go! A party of the persons who accompanied Mr. Alderman Camplin, as I proved by some of their witnesses, staid in the Palace from twenty minutes to half an hour, to rummage about for the rioters. I shall call some who will prove that they put out the fire in several places; and when they were coming down stairs, to their astonishment, they heard the cry, 'the mob is coming again, and the troops are gone.'

"Gentlemen, just before that period the Mayor arrived with his party. When he came to the Palace gate, there was a gentlemen of the name of Bulwer; I have not the honour of knowing him, but I understand he is a respectable man, and of considerable personal courage,—he had joined the Mayor in

his progress,—Mr. Bulwer ran before and found his way into the Palace-gates; but when the Mayor arrived with his party, which was not more than fifteen, he was informed that the troops had surrounded the mob—that they were now in possession of them—that the rioters were surrounded by the troops, and that he could not go in without passing through the troops and the mob;—there was no occasion for the Mayor to do that,—the object was accomplished, and he said to Mr. Serjeant Ludlow, 'the best thing is to go to Colonel Brereton's office,' which looks on the yard. Gentlemen, you should be aware that Colonel Brereton's office consists of two rooms; the back room has a bow window which opens upon the place where the soldiers were, so that if you opened the window you might take hold of the horses' tails. The Mayor and Mr. Serjeant Ludlow went to this place; they were told that the mob were all secured when they got in; that very Serjeant who was examined said, 'they are all encompassed—they are all altogether taken like rats in a trap; I will shew them to you if you will come into the back room;' and one of the gentlemen went in, and sure enough saw some of the military forming a kind of circle near the entrance of the Palace, and appearing to have some persons inclosed. It was quite dark at this time, and in a few moments an immense shout was heard of persons approaching, and another shout—'the mob is coming in increased numbers;' and the gentlemen in the front part of the house, who had gone up-stairs, descended to ascertain what it was, and as they came out of the front door of Colonel Brereton's office they found that the military had deserted the prisoners and the Palace, and were riding past the door in very good order; in the meantime the mob shouting, and hurraing, and coming with increased force to attack the Palace.

"Gentlemen, what has become of the Mayor? You will find that eight or ten persons, descending from Colonel Brereton's, were obliged to run for their lives; one of them received a violent contusion, and some of his teeth were knocked out of

his jaw. I am, however, pursuing the Mayor. He made his way towards the Council-house; Mr. Serjeant Ludlow did not know what had become of him; the Serjeant and Mr. Burges were together, but they all had escaped without looking after one another, as rapidly as they could, on seeing the troops pass by, and that the mob were coming in greater numbers. The Mayor was in College Green, when Mr. Daniel, a surgeon in the town, got hold of him. He knew him, and begged of him to take his arm. The Mayor was very much fatigued and exhausted; he had had no food or sleep since Saturday morning. Mr. Daniel said, 'where are you going?' 'I am going to the Council-house.' 'Do not think of it, you cannot force your way through the mobs—there is one before you and another behind you.' Mr. Daniel knew he had no residence except the Mansion-house, which was burnt; and having passed two sleepless nights, he said 'where will you go?' The Mayor said 'I think Sheriff Lax does not live far from here.' Mr. Daniel said 'what is the use of your going'—I do not pretend to use the words, but they are the substance—'unless you receive reinforcements of military? the town is gone; you had better go to Clifton with me, it is only half a mile off.' 'No,' says the Mayor, 'I will not leave the city.' It is hard that a man is, 12 months afterwards, to have it thrown in his teeth that it was the universal report that he had passed the night out of the city. He said 'where will you go?' He said 'take me to Sheriff Lax's, perhaps he will receive me;'—he had been told he could not go to the Council-house with any safety. Why should he go there?—the only use was to assist in defending it. Of what use could he be if the Chamberlain was left with a body of 60 people who were ready to stand by him to defend the Corporation muniments? The Mayor went to Mr. Sheriff Lax's, and there he saw that fellow Townsend; and I will prove that Townsend was asked if Mr. Lax was within,—that Townsend said Mr. Lax was out of town and his family,—that there was no one in the house. At that time there was no notion of the Mayor going to Mr. Fripp's,—the

Mayor was not even acquainted with Mr. Fripp, but Mr. Daniel said to him 'my partner, Mr. Granger, I have no doubt will receive you—let us go to his house.' He took the Mayor to Mr. Granger's house, and the Mayor was admitted; the Mayor went up stairs, and desired to have a messenger to communicate where he was, and while he was in the act of writing to make that communication, Mr. Granger came in to Mr. Daniel, and said, 'I am extremely sorry, but my wife is in a very delicate state of health (I believe she was about to lie in or something of that kind) and she is alarmed at the Mayor being here; if the mob find out where he is, they will destroy the house, and my wife will quit the house if the Mayor stays; do not put it upon me to turn a gentleman out of the house—ask him to leave it; if you do not I must do it.' Mr. Daniel reasoned with him; he said, 'I am very sorry for it, but Mrs. Granger is in such a situation that it may cost her her life.' Mr. Daniel was obliged to go and tell the Mayor 'Mrs. Granger is in such a state that she is afraid of your staying here,' and they left the house, without the Mayor of Bristol knowing where he was to put his head; upon which the Mayor said, 'does not Mr. Daniel Fripp live near this in Berkeley Square? I dare say his brother, Alderman Fripp, will be at his house, and I wish you would conduct me there, if you know him.' He said he knew him very well; and that was the origin and cause of the Mayor going to Berkeley Square, which was only a few doors off. Mr. Fripp did receive them, and Mr. Alderman Fripp was there—it was a late hour at night. What did the Mayor do? I will prove that in his way to Mr. Fripp's he met two persons, and charged them to go to the Council-house to inform the Magistrates that he was gone to Mr. Fripp's; whether they went or not I do not know, but he charged them to go, and when he got into the house the first thing he did was to set about making communications of where he was; he sent to the Council-house, but I believe no where else at that time.

"Gentlemen, I am now going to open another event to you

which makes part of the tragedy. The Mayor had sent, in the course of the day, a letter to Captain Codrington;—he is a young gentleman, the son of Sir Bethel Codrington;—the Mayor had learnt, as the witness has told you, that there was a corps of yeomanry at Dodington, 12 miles off, commanded by Captain Codrington. The Mayor immediately wrote to him, as he did to all other military stations. The witness has told you that Captain Codrington desired him to go to Tetbury to hasten another troop, and Captain Codrington took immediate measures to collect his own troop. The witness upon returning, as he went, faster than the troop, passed them on the road, arrived before them, and went to the Council-house. He says he found no Magistrate there; but recollect he did not go into the council chamber; he went to Queen Square; he came back again and found Mr. Alderman Hilhouse. He knew where the Mayor was, and he being informed that Captain Codrington was coming, and it might be necessary to provide billets for the troops, Mr. Alderman Hilhouse went to Mr. Fripp's, where the Mayor was, in order to get these billets. Mr. Serjeant Ludlow also had reached the Mayor's residence. He was driven away on the dispersion at the Palace; he went through the mob with Mr. Burges, with some difficulty and danger; went to Clifton to look after his family, and after his return soon learnt where the Mayor was, and went to him.

"Gentlemen, I am reminded of a circumstance by my learned friend, and I am grateful to any one in this important case for suggesting any facts that may escape me. Mr. Serjeant Ludlow and his companion, in their escape, passed by two constables with staves; these men actually threw down their staves, and said, 'this is the second time we have been deserted by the military, and we will not make any further attempt.' Mr. Serjeant Ludlow arrived at the Mayor's at the time Mr. Alderman Hilhouse was there, or found him there;—I beg pardon, Mr. Alderman Hilhouse sent Mr. Brice up to get the billets, and it was then that the Mayor wrote the letter, dated 12 o'clock at night, which is supposed to come from a man who

wished to conceal his residence;—he dates it at 'Mr. Daniel Fripp's, No. 30, Berkeley Square, Sunday night, 30th October, 1831. The Mayor of Bristol begs leave to inform Colonel Brereton that if he should have occasion for the orders of a Magistrate, either the Mayor or some other Magistrate will be found at No. 30, Berkeley Square, Mr. Daniel Fripp's, the second house on the right hand, on turning into the Square from Park Street.' Colonel Brereton therefore had a distinct and full communication where the Mayor was. This communication is made to Colonel Brereton in consequence of Lieutenant Macclesfield calling at the Council-house and requesting to see a Magistrate. Colonel B. was gone out when a call was made at the staff station to inform him as above; there had been a call made upon him to inform him of it,—he was out, and therefore the Mayor wrote that letter, that it might be sent to him under his hand; and at the same time billets were sent for this troop of Captain Codrington's,—that is to say, blank billets were signed by the Mayor, with directions to fill them up as emergency might require.

"Gentlemen, this makes it necessary for me to introduce to you the episode about Captain Codrington's corps. It is alleged as a crime that the Mayor was not there to read the Riot Act or go with the corps. I should inform you that on the previous evening, when the Mayor had sent dispatches to obtain the assistance of the military, he had provided quarters for them; he had got Fisher's and Leigh's repositories, and as many other places as could be furnished. Colonel Brereton knew it, and was a party to it. Having sent away the 14th Light Dragoons from Fisher's livery stables, those stables were empty; and when Captain Codrington arrived, who has stated nothing in evidence but what is consistent with truth, as far as he knows, he tells you that his communication was with Colonel Brereton, and he says he did not leave Bristol till half-past 12 o'clock. Colonel Brereton knew that quarters were provided, and that letter was delivered to his officer at his chamber door, and you cannot doubt that when he got up to receive Captain

Codrington he got the letter. But more than that, some person had gone down to Fisher's to apprise them that the troops were coming in. It was thought very odd that the troops should come in; that Queen Square was blazing, and that the troops, instead of being led to the scene of riot by Brereton, should want billets; it was supposed that they would immediately commence action, and therefore it was that the Mayor sent that letter to Colonel Brereton, that he might employ them immediately. Captain Codrington said, 'as we could not be employed we had better have quarters,' and they went to Fisher's, and this sort of misapprehension takes place. I will call Mr. Fisher, and he will prove the orders he received,—that Colonel Brereton came to him, and told him that the yeomanry were coming, and that he lighted up all the stables;—he stated to Colonel Brereton 'I do not know that I can give them a single stall for every one, but I can provide a stall for every two, as the Light Dragoons had before;' and he was actually lighting up the stalls with candles at the time that he was informed that Colonel Brereton had told Captain Codrington he might go away with his troops. Is the Mayor to blame for that? Did he not provide quarters and send billets? But my learned friend said, 'he ought to have been there himself.' If he had been out of bed five nights, what signifies it to the tender-hearted Attorney-General? He ought to have gone with them—he is bound ex officio to ride like a cavalier, and he ought to have headed the corps. I deny the position in toto, and I deny the law. I say the moment that Captain Codrington came into the place he was bound to take his orders from Colonel Brereton, who was the superior officer, and he was told to do what he did, to go and report himself to Colonel Brereton. He says, at the Council-house he was told to go and report himself to Colonel Brereton, which he did, and Colonel Brereton was to receive orders from the Mayor. I have already read to you the Mayor's orders: 'the Mayor of Bristol desires Colonel Brereton to consider himself fully authorised to take whatever steps, and give whatever orders he, as the military commander of the

troops in this city, may think fit, to restore and preserve, as far as possible, the public peace. The Riot Act has been read three times to day. Colonel Brereton will have the goodness to consider this order to apply not only to the troops at present under his command, but to any which may subsequently arrive in the city.'

"Now, gentlemen, I cannot call this unhappy man from his grave; I do not wish to cast imputations upon him. I can see many, many considerations to excuse him. I cannot believe that Colonel Brereton felt any pleasure in seeing Queen Square in flames,—it is unnatural to suppose it. I cannot conceive that he wanted gallantry or courage; and when he told Capt. Warrington it was of no use to go to Queen Square, he must have had some impression that even with that accession of strength, the mob would have made head against him.

"That is the only thing which, in candour, I can suppose. You cannot imagine that Colonel Brereton enjoyed the spectacle, which, as an honourable man, he would have been glad to put an end to.

"Gentlemen, I have now brought you to 12 o'clock, when the Mayor is at Mr. Fripp's;—did he go to bed there? He remained the whole of the night sitting up with Mr. Fripp, ready to receive any communications, and some communications he did receive. You have another letter written at 3 o'clock in the morning, addressed by him 'To Colonel Brereton, or the Commanding Officer of his Majesty's Troops, Bristol.—Sir, I direct you, as Commanding Officer of his Majesty's troops, to take the most vigorous, effective, and decisive means in your power to quell the existing riot, and prevent further destruction of property.' I admit, a military officer, who comes in to assist the Civil Power in dispersing a mob, is entitled to ask protection of the Civil Magistrate's authority to justify him in acting; but it does not follow that the Civil Magistrate is bound to go with him to every place. The usual course is to ask for a letter, in case he should be indicted, that he may shew that he was authorised by the Civil Power. What could

you expect this man to do? If any one of you happen to be a Magistrate, consider your own case; ought you to have a horse ready saddled at the door, and to have mounted every time you heard that a corps was arrived? Was he bound to be at the Council-house? That was a place of refuge in case of siege. The Council-house would naturally be expected to be besieged, and not wholly to escape. Suppose he had escaped from the Council-house, is he to be indicted for that? I deny it; but he could not get back to the Council-house; he informed the persons at the Council-house, and the persons at the Guildhall, where he was—I do not mean those who had no interest in knowing it; and that was all he could be expected to do. I shall call Mr. Daniel Fripp before you; and he will tell you that the statement he made to the witness, Mr. Goldney, that he was not to tell where the Mayor was, was not done at the Mayor's suggestion, or with his knowledge or consent. I can easily conceive that Mr. Fripp did not wish it to be generally known where the Mayor was, for the same reason that Mr. Granger turned him out of his house. The very circumstance of the Mayor being there, threw Mrs. Fripp into fits; she thought the house was in danger of being attacked, as the Magistrates were the object of attack, as well as the property of the Corporation.

"Gentlemen, the Mayor remained there; and you find him next at the Council-house; he arrived there the next morning at five or six. Information is brought to him by a witness who happened to be in the Square by 5 or 6 o'clock in the morning, that the rioters were seen to be exhausted; many of them had perished in the flames; many were drunk; and at that period of the morning, their force was so considerably decreased, that they were no longer formidable. They had burned nothing but Corporation property at that time, for the whole of Queen Square belongs to the Corporation. But an apprehension was entertained by the persons who witnessed the deeds done, that they might go further; they therefore received no further countenance from those who had stood by

applauding the destruction of the Corporation property; they began to fear for themselves, and they went home. Information was given to the Mayor, and he sent to Colonel Brereton, and desired him to go out with the troops. Major Mackworth also came, and he will state to you that he represented that the thing might be done, and Colonel Brereton and he went together; and before Major Beckwith arrived, Major Mackworth and Colonel Brereton had been in the Square and charged the rioters several times. I will prove that Colonel Brereton was unwilling to charge, and that Major Mackworth said to the troops, 'I command you to charge, and Colonel Brereton will not object to it;' and the result was that the Square was cleared before Major Beckwith arrived. He did his duty when he arrived, and did his best to accomplish what had been begun by the others in clearing the streets.

"But, gentlemen, a word about Major Beckwith. A conversation is brought in to criminate the Mayor. This is too much. He speaks with two Magistrates; he knew the Mayor from his being short, and he knew the tall Mr. Hilhouse; but he only knew those two. How can he undertake to say that all the Magistrates said that they could not ride, and would not ride? I do not mean to suppose that Major Beckwith is capable of stating any thing he does not believe to be strictly true; but he might have confounded later conversations with other men. The truth is, that some of them never were on horseback in their lives. But Major Beckwith received what was sufficient to act upon—he received a written letter; and I must ask, whether it is a crime, if a military man goes to a Magistrate and says, 'I am ready to suppress the riot, will you ride with me?' 'No; I cannot.' 'Will you give me a letter?' 'Yes, with pleasure.' Is the Magistrate indictable for not riding? Do not let us try this case by making a sort of omnium gatherum of the whole information; let us come to precise points, and I say that no man of common candour, or that has any knowlege of the law, can for a moment pretend that a man is to be indicted because he refuses to ride with the military. If the military officer is content to act upon the

authority of the Mayor, he gives him that which is sufficient. Now it is said that the reason alleged was, that they had property—there might be some conversation about property—they were unpopular in the town; and if they were to shew themselves, they might be exposed to danger; but you have it in proof, that the Magistrates did shew themselves, and did expose themselves to danger. Mr. Alderman Savage went; the Mayor went; Mr. Alderman Hilhouse went; and Mr. Alderman Camplin went. It might be true that the Magistrates might feel that,—and the conversation might have taken place,—are we to expose our own property to be burned? A conversation of that kind might occur; but I believe no one of the Magistrates would have made that a reason for shrinking from his duty.

"Gentlemen, you have now had the history of this case. My learned friend the Attorney-General, in his opening, was pleased to remind you of the prosecution of the Mayor of London in 1781. The riots were in 1780, and the prosecutions in March, 1781; he is mistaken in one fact, which I do not wonder at, because the note at the end of the record is a mistake. Mr. Kennet, the Mayor, was tried in March, 1781,—he did not die till May, 1782; he was not therefore brought up for judgment on account of his death. But I have a report of that case, and what were the facts in Kennet's case? The Mayor of London had been informed at the Mansion-house that the mob were burning the Roman Catholic houses in Moorfields,—he had sent for a body of military from the Tower; he was pressed to go and accompany them; when he went to Moorfields with this body he witnessed the conflagration; but before he went he had asked the messenger whether he was a Catholic; he said he was; the Mayor said, 'I thought so,' and he delayed to go for a considerable time; when he did go he was desired by the officer of the company to read the Riot Act, which he refused; he was pressed by several people and refused—he saw the houses burning before his eyes and would not authorise the military to act, and he gave as a reason for it that they were only burning the property of the persons they

thought their enemies, and when they had done that they would be satisfied. Lord Beauchamp, who had the command at the Tower, went himself upon the ground—he had sent the troops, and was a witness against the Mayor—he asked him why he would not read the Riot Act?—he refused, and stated the same thing as he had stated before. Lord Beauchamp said, 'I will report you to the House of Commons;' and when he was indicted what was he charged with? He was charged with this,—that whereas there had been a riot, and the mob were burning houses,—and whereas the Lord Mayor had notice of it,—and whereas it was his bounden duty then and there to read the proclamation contained in the Act, commonly called the Riot Act, (which commands the Magistrates to repair to the place and read the proclamation)—that he, having notice of this duty, and being requested to perform it, that he maliciously, wilfully, and knowingly refused to do it.' That is a specific charge. There is also a general charge in the indictment, and that is made a precedent for the one before you; it is a general charge contained in a distinct count, as we call it, that he then and there neglected to exercise the powers vested in him by law. But the whole scene of his delinquency was accomplished in an hour. What is the situation in which the present Mayor of Bristol is placed? Here is a charge of 48 hours;—the town was under riot and confusion, and the Jail, Bridewell, and Palace were burned, and a variety of houses in the Square, and there is no particular thing charged which he was called upon to do. It is not charged that he was called upon to go to the Palace, or to read the Riot Act, and that he refused. He is called upon to defend himself against a variety of charges which the Attorney-General may make in his reply, and this is to be the result of this ingenious mode of preparing an Information, that it is just possible to get a verdict without any concurrence of opinion in any two jurymen, and I will tell how. We begin at 8 o'clock on the Saturday morning, when they sally out to meet the Recorder, and we do not close till Monday; that is a period of about 48 hours; it embraces the whole of Saturday, the whole of Sunday, and Sunday night. I

will suppose that any one gentleman amongst you should be of opinion that upon such a particular event the Mayor did not do quite right, but that the eleven others do not agree with him; and that another should be of opinion that in another particular he did not do right, no one agrees with him; and there may be twelve different opinions upon twelve different subjects, upon which twelve separate individuals may form a notion that the Mayor did not do quite right, though there are not twelve who concur in that opinion as to any one act; and the Attorney-General, by that sort of net, hopes to catch a verdict. But I hope your good sense and justice will prevent it; I hope you will think, one and all, that there is no one point upon which the Mayor can be justly impugned; but I do think, and I distinctly complain of it, that this is the hardest prosecution that ever was instituted for the purpose of running down and degrading the Magistracy. This general charge is made to cover 46 or 48 different events, without any intimation being given as to what particular charge it was intended to urge; and if ever there was a net made to catch innocence—if ever the proceedings of a court of justice were calculated and arranged to catch men not guilty, this is an expedient to do it. I should have expected, in common candour, as an enquiry had been going forward, conducted by the enemies of the Magistrates, and as they had no opportunity of knowing upon what particular point the charge was intended to be pressed, I should have expected when they came to see the Information, they would have found a specific matter in the shape of a charge, whereas all that you find is nothing but a statement that for 48 hours they did not do their duty.

"Gentlemen, one of the benefits of a free Government, and one of the blessings of freedom is, that by the administration of the criminal law, innocence is protected by certain rules; one of the objects of those rules is, to obtain a degree of certainty in the charge made, that the man who has to meet it may apply a certain defence. The law therefore at one time required, and I hope it will continue to require, that all criminal charges should be aptly made, so that the person to defend

himself may know what he is to meet; but if an Attorney-General is to say that for forty-eight hours the town was in confusion and riot, and then to make a general charge that the Magistrate did not do his duty, the whole object of criminal justice is eluded and defeated; and those rules, instead of being found protections to guard innocence, are made snares to entrap it.

"Now this obliges me again to make a short summary of this case. What is the particular period that my learned friend fixes upon to say that the Mayor of Bristol was guilty? He is charged with being absent from his post. Where ought his post to have been? Has the Attorney-General assigned it? Ought it to have been at the Mansion-house? Was he bound to stay there when it was burnt? Was he bound to stay at the Guildhall?—he was there the greater part of the day. Was it criminal for him to go for one hour to wash his hands and shave himself? Is that to be his ruin? Does my learned friend intend to say that? If he does, he had better say so in his reply, and I call upon him to do so. If he means to say that the Mayor was guilty of a crime for reposing one hour, let him say so, that you and I may know what the law of the land is to be.

"Then it is said he did not go to the Palace,—that he ought to have put himself at the head of the constables, and have gone to the Palace. He *did* go; but he was not bound to go. It is also said he was not to be found afterwards; and Mr. Goss actually thought he was not in the town. Is a Magistrate bound to keep his seat constantly at the Council-house or the Guildhall? Colonel Brereton went to bed; he never disturbed his repose. But the Mayor did not go to bed, he was at Mr. Fripp's, and they had notice of it; Mr. Goldney and Mr. Harris, their witnesses, knew it. It is proved that they knew it; when he went there they had learnt it, and so did other persons who wanted to find him. But is it necessary that every officious gentleman, who had nothing but his own tittle-tattle to make known to the Magistrates, whether the burning of an effigy or assembling the people with arms, should know where the Mayor was to be found? I want to know where does my learned friend mean to put his finger when he

comes to his reply, which will be able and powerful, no doubt; but you will not be satisfied unless he lays his hand upon some particular point, and satisfies you that there guilt took place. Is it because the Mayor did not call upon the military to fire? —he has stated it—but he could not mean to maintain it. He could not call out the posse comitatus in the night; that force is not to be moved so easily as my learned friend supposes, nor is it to be moved more than the Mayor could move the constables. The Sheriff is authorised to call upon every man to aid him; and if he does not choose to do so, the King can only indict him; the Sheriff cannot flog him, and force him to do it. There is a case, but the case hardly ever occurs, and I believe it never occurred before, where he may call out the posse comitatus, and that is to be done by precept; they are obliged to be served upon the inhabitants, so that it is a long time about the doing of it. The Magistrates *had* arranged with the Sheriffs, and called upon them to aid them when they met on Sunday. The Magistrates had no authority; the people would not obey them, though the town was delivered to the flames; the Magistrates consulted with the Sheriffs, and it was their duty, and not the duty of the Magistrates, to take measures to call out the posse comitatus; and the Under-Sheriff was employed the great part of Sunday evening and the night issuing these precepts, and by 10 o'clock on Monday morning, there was an assembly of multitudes of people. Two causes contributed to that: the Sheriffs' injunction under penalty for disobedience; and the conviction of the inhabitants that the Corporation property was not the only property in danger, which induced them to come forward at 10 o'clock, by which time on the Monday they were arranged as a constabulary force, in aid of the civil authority of the town. If it is a crime that it was not done before it is not the crime of the Justices,—it was the Sheriff's duty to do it; he may do it as conservator of the peace; it could not have been done in four hours; and if they had begun it at 10 on Sunday morning, it could not have been effected before Queen Square was burnt. But you will hear the tremendous shouts of applause that were uttered when the

Corporation property was firing; the shouts of 'the King and Reform,' and 'down with the Bishops,' and you may readily judge for yourselves, whether the Magistrates could, without a considerable force of constables, quell such a mob; and when you find that the constables could not be found, and the inhabitants would not join them, I leave it to your candour to say whether you can find this gentleman guilty. Can you suppose that the Magistrates of Bristol had not the greatest interest in protecting the safety of their town? As Corporators their property was in danger,—they are the greatest sufferers at all events;—but whatever your judgment is, they will have this self-gratulation, that they never did by word or deed excite these rioters. If the property of the Corporation was sacrificed and condemned to the flames, and the inhabitants were content to witness it with shouts of applause, it was not the Mayor and Magistrates that published declamations against Corporations and against Magistrates. They are not guilty of any endeavour to decry the Magistrates, and to alienate the minds of the people from those whom the law has invested with power. If the Custom-house and Excise-office were burnt, and the population of Bristol exulted in the conflagration as in a triumph obtained over *tax-eaters*, the Corporation of Bristol never, by act, word, or deed, to their knowledge, took any means to inflame the minds of the people against the national creditor, and to treat those who live upon the interest of the public funds, as public malefactors. They had never declaimed against taxes; they had never declared that no Government could be good that would support taxes; they had never taken that part which, unhappily, many, many of their townspeople, not the respectable part, I hope, but many had taken; they had not said that they would not pay the taxes unless they had measures of their own; no meeting was held at Bristol, where a Magistrate declared that the people should not pay taxes unless a particular measure was carried. If the Bishop felt, and amongst the individuals composing that pious and reverend body, he is one of the most respectable and amiable,—if he had the mortification to feel, that amongst the

population of Bristol, a considerable multitude derived satisfaction from pulling down and burning his palace, at least the Magistrates were no parties to that excitement; no, gentlemen, they did not advise the Bishops to 'put their houses in order.' Do not charge upon them, for God's sake, the result, the necessary, I cannot call it the innocent, but the unintentional result of that agitation, those speeches, and those declamations, and those perpetual firings from the press, that excited the people of England to think that their Bishops were interested oppressors, that their Magistrates were tyrants, and deserved to be crucified; and that every institution of the country ought to be suspended to carry a favorite measure.

"This was the state of Bristol! What could these ten Magistrates do to resist it? All I ask is that they shall not be made the victims of that excitement. I condemn nobody,—I blame nobody; but I declare to God that if it were possible to conceive the Magistrates of Bristol would be convicted, upon this evidence, of any defect of duty or any abandonment of their posts to prevent what has taken place, I declare before God and heaven that this country would no longer be the land of liberty.

"Gentlemen, I beg pardon for having troubled you so long. I felt the great importance of the trust committed to my charge, and I thought it my duty fearlessly to defend the Magistrates; I feel they have been persecuted where they ought to have been protected; they have done their duty, and exposed to peril their wives and families, and their fortunes and their lives. Their reward is that they are sacrificed to some sentiment prevailing in their town, that it is time to put down the Corporation of Bristol.

"Gentlemen, this is the first step towards that end; there are nine other informations to be tried after you have disposed of this. I trouble you no longer; but, with their Lordships' permission, to-morrow you shall hear the evidence I have to offer; and I do assure you most honestly that I shall be surprised if it does not go much beyond the statement I have made to you.

FIFTH DAY.—TUESDAY, 30th October, 1832.

The jury were called over, and were all present.

## EVIDENCE FOR THE DEFENDANT.

Mr. WILLIAM ODY HARE, sworn.—Examined by Mr. CAMPBELL.

Are you under Sheriff for the city and county of Bristol? I am.

How long have you been so? Thirteen years.

I believe you practise as an attorney and solicitor at Bristol? Yes, I do.

In partnership with whom? Mr. Little.

I believe there are two Sheriffs for the city and county of Bristol? There are.

And one under Sheriff? Yes.

One under Sheriff acting for both? Yes.

On the 17th of October, 1831, were the quarter sessions held for the city? They were.

And the Magistrates were assembled? They were.

On that occasion, was there a deliberation among the Magistrates respecting what ought to be done, in respect to Sir Charles Wetherell, the Recorder, coming to hold the Gaol delivery? There was.

Were there apprehensions entertained by the Magistrates, that there might be tumult and disturbance upon that occasion? There were.

Mr. CAMPBELL.—I suppose I may lead him as to these facts.

Mr. ATTORNEY-GENERAL.—Yes, certainly.

Mr. CAMPBELL.—Was it resolved that you should go to London to see the Recorder and to consult with him, and to see Lord Melbourne, the Secretary of State for the Home Department? It was.

By whom were you accompanied? By Mr. Burges.

The city-solicitor? Yes, the city-solicitor, and Alderman Fripp, one of the Magistrates, joined us in London.

Did you, and Mr. Burges, and Alderman Fripp, see Sir Charles Wetherell? We did.

Did you consult him upon the expediency and propriety of holding the Gaol-delivery? Alderman Fripp did.

In your presence? In my presence.

Did the Recorder express any opinion upon that point? He did; that it was absolutely necessary to hold the assizes.

Did Alderman Fripp, Mr. Burges, and you, afterwards see Lord Melbourne upon the same day? We did.

Did you ask Lord Melbourne his opinion, with respect to the propriety of holding the assizes? Yes.

What opinion did he express? The same that Sir Charles Wetherell had previously expressed,—that it was necessary the assize should be held.

Did Lord Melbourne express an opinion, that he thought the assizes ought to be held? Yes, he did.

Did he give any reason? That a contrary course, would be improperly succumbing to the popular feeling; his Lordship treated it as a question that did not admit of any doubt.

Did you describe to Lord Melbourne, what the state of feeling in Bristol, at that time was? Yes.

And what the apprehensions of the Magistrates were? Yes, and the reasons upon which those apprehensions were founded.

Had you another interview with Lord Melbourne on the following day? We had.

When Sir Charles Wetherell himself attended? Yes; the Alderman particularly pressed, that Lord Melbourne would see Sir Charles Wetherell upon the subject. Lord Melbourne said, he thought it hardly necessary, but he had no objection.

At this second interview, did you describe to Lord Melbourne, the danger you apprehended? Not particularly.

Did you state to him, what the nature and character of this mob was, in your apprehension? I did, myself, thinking that had been hardly sufficiently brought to his Lordship's attention?

What did you say? In consequence of his Lordship having promised troops, I took the liberty of asking what number; his Lordship appeared greatly surprised, and I said; "The reason is, that the extent of the riots to which a Bristol mob may go, is, I fear, not sufficiently appreciated.

Were you promised that troops should be sent? We were.

Was any thing particular said, about the manner in which they were to be used? They were not to be used, except on the last extremity. Lord Melbourne expressed an inclination, that they should not be sent into the city,—that they should not be seen, so that it might appear that the populace were to be kept under by military power.

Did Lord Melbourne give you any recommendation as to the manner in which the usual form should be observed? He did,—that there should be no departure, or as little as possible from the established custom of receiving the Recorder; his Lordship was asked, whether the procession might not be shortened; instead of receiving the Recorder two miles out of Bristol whether the distance might not be reduced to the entrance of the city; and he said he thought that a judicious suggestion, but that in other respects, he wished the usual course to be taken.

Will you be good enough to state, what steps were taken when you returned to Bristol, for the purpose of raising the necessary civil force? The Magistrates directed me, first, to report to them, what force I thought sufficient.

In your judgment, and from your experience, what force did you think sufficient? Three hundred constables.

Had there been riots in Bristol, previously, while you have been Under-Sheriff? I hardly know how to answer the question, for we have had contested Elections, since I have been Under-Sheriff, and the usual exhibitions have taken place there, amounting as much to riot, as the demolition of the Mansion-house on the Saturday night; in fact, I believe there had never been a contested Election in my time, at Bristol, in which that ceremony has not formed a part.

The demolition of the Mansion-house? Not the burning of it; the breaking into it on the Saturday-night; as much demolition as there was on the Saturday-night.

With that experience, you judged that three hundred constables would be sufficient upon this occasion? I did; I had before I was Under-Sheriff, been connected with one of the parties in the city, and I invariably thought that a greater number of constables employed, however well organized, rendered it less capable of management, and less efficient, and on principle we reduced the number; we had at one time, seven hundred constables employed, and failed in saving the windows of the White Lion; we afterwards reduced the number and did much better.

For the purpose of raising those 300 men,—what steps were taken? I applied to the chief constables of the different wards, the Magistrates having on a previous occasion applied to the churchwardens, and finding a difficulty in raising men, it being stated they had applied to the wrong quarter; in this case the Magistrates applied through me to the chief constables of the different wards; I made every effort to explain to them the object for which the men were wanted, and I suggested, if each gentleman in the ward, all being resident tradesmen, would prevail upon two of his friends

to come forward upon that occasion, and give him his support, we should not only have a force, but an organized force, that every one would know his neighbour.

Did this plan of obtaining persons to serve voluntarily succeed? It did not.

How did it fail? One ward alone;—the ward of Trinity—reported to me that they could procure the assistance which was wanted; the remaining wards, some of them more, some less, but they were all of them deficient; they could not get any thing like the number that were wanted; the whole return of volunteers.

Mr. Justice J. Parke.—That is the number wanted for that ward? Trinity ward alone furnished the number that was wanted for that ward.

How many wards are there? Twelve, my Lord.

Mr. Campbell.—All the others were deficient? Yes.

And the whole number reported was, what? Not more than double the number of the original constables; that was two hundred I think out of the three hundred I wanted.

Upon this being reported to the Magistrates, what order did they give? They desired me to engage as many constables, hiring them, as would make up the number I wanted.

Was that done? It was; I got the chief constables together, and consulted them as to the description of men, and the price for which respectable men who would be relied upon could be obtained; I thought that as they could not get their neighbours, if they got their own workmen, and employed them, they would still have the same sort of organization, and on consultation with the whole body, we settled what was considered a liberal price, and which could not fail of obtaining such men; I paid them afterwards for 119 constables.

Were the constables assembled on the Saturday morning? They were; I had repeated interviews with the chief constables, and with others of the parties, and I did what I could myself, to get volunteers, and I believe every exertion was made that could be, both for the organization and proper arrangement of them.

Where were they assembled on the Satur day morning? In the Exchange.

At what hour? The order was eight o'clock; I think they were there about that time.

When did you first see the Mayor on the Saturday? I think about a quarter before eight.

At the Exchange? No, at the Mansion-house I first saw him; he came up to the Exchange; I saw him for the purpose of reporting that every thing was ready; he said, I think I had better see the constables.

Did he go to the Exchange? He did.

And inspected the constables? He did, and addressed them all in different divisions; they were divided into different pillars of the Exchange. I saw them all; the Mayor, I believe, went round in a different direction from me, and spoke to them on the duty they were to perform.

We have heard from another witness, the substance of what he said—you proceeded to receive the Recorder? We did.

Was the distance shortened? It was; we usually go about two miles and a half along the road to meet the Recorder.

And you went at an earlier hour than was usual? Considerably.

For what purpose? For the purpose of anticipating the congregation of people that were expected, and it had that effect.

You conducted the Recorder to the Guildhall? We did.

I will not ask you to describe what occurred.

Mr. Justice Littledale.—At what time did you go,—you say it was earlier than usual? At ten o'clock, within a few minutes.

Mr. Campbell.—About what hour did you reach the Guildhall? About eleven, or a quarter to eleven, I suppose.

How did the mob conduct themselves from the place at which you met the Recorder, till you reached the Guildhall? As we went out there were but few in number, but they increased very rapidly, and there were fewer than I expected at the hill, above the bridge, the confines of the city; before we got to the bottom of the hill, the crowd got very great indeed, the language used was of the most violent description; every excitement was made use of, particularly by the females, who reproached the people who stood round—the populace—with cowardice and desertion of their purposes, and undertaking that he should not come into the city; most violent shouting and uproar, and very great pressure indeed upon the constables, many of whom were very much injured by the pressure; no actual violence, I believe, took place, till we got to the bridge.

How far is the bridge from the Guildhall? I suppose about five hundred yards.

Mr. Justice Littledale.—Was this violence of language as you went out, or as you came in? As we returned.

Mr. Campbell.—As you went out, I suppose, you were quiet? We had anticipated the people; they did not expect us so soon; I think there were, as we went out, many more constables than of mob.

You met the Recorder at Totterdown, I think? Yes.

That is two miles nearer to the Guildhall than the usual place? It is.

Between the Bridge and the Guildhall how did they conduct themselves? Just as we passed the Bridge a man staggered against my horse; I caught him, and he held up his hand and said, "See how they have used me! he had a violent contusion upon his head, and the blood was streaming. I was afraid of the irritation that would be produced among the constables, and I told him to be steady, and I made a way through them, for this gentleman.

What was the general conduct? There were many stones thrown, and some persons were struck; popular indignation appeared to be excited against the constables who had been hired; they said, "These other men are only doing their duty, but you have sold your country, and we will pay you for it."

Was there any thing else that was remarkable till you got to the Guildhall? At the door of the Guildhall Sir Charles Wetherell paused; he appeared as if he had an inclination to say something; I was standing by him, and at that moment half a dozen stones came in at the door, one of which took me in the head.

The door of what? The door of the Guildhall; Sir Charles Wetherell said, "Keep that man back;"—one individual who appeared to be very noisy.

One stone struck you? Yes; it was intended for Sir Charles.

I believe, upon holding the assizes, it is usual to read the charter, at the Guildhall? It is.

Was that done, upon this occasion? It was.

Was there any confusion in the Guildhall, while the charter was reading? An almost universal shout and yell, at the moment that it commenced; it was immediately repressed, and after that the reading of the charter went on quietly.

Was the Recorder then conducted to the Mansion-house? He was.

Attended by all the Magistrates,—by the Aldermen? No, I think not; he went down in the Mayor's coach, and I think the Sword Bearer always goes down with him, upon these occasions,—the Mayor, the Sword Bearer, and an Alderman.

I do not mean in the same carriage? There were no other carriages except the Sheriffs' carriages.

Did the other Aldermen follow him to the Mansion-house? They did; I think they got there before him, there were no other carriages provided; I could not have protected a body of carriages down.

As the Recorder was proceeding with the Mayor to the Mansion-house, how did the mob conduct themselves? With rather more violence, as far as pressure was concerned; repeatedly it was with very great difficulty that the constables at all kept in their position; they had been under the strictest injunctions on no account to use violence; that without my personal presence and directions, not a blow was to be struck, and, I apprehend, if there had been the slightest breach in their ranks, or the slightest wavering, it would have been impossible to have conducted Sir Charles into the Mansion-house; I saw, on the succeeding morning, the situation of the chief constable, who was examined here, near the carriage; his feet were almost trodden to pieces; he was miserably mauled. I believe the greater number of the constables were very much injured.

At the Mansion-house did you see the Magistrates assembled? I did.

About what time were they assembled? Immediately on the arrival of Sir Charles.

About what time would that be? About twelve; I had no occasion to look at my watch during the day, therefore I may be somewhat mistaken; but, I should think, about twelve o'clock, immediately as Sir Charles got in, there were stones thrown at the carriages, and while I was going up the stairs with the Mayor there were stones thrown; and, I believe, there was an attempt made to take into custody those who had thrown them, and that produced a scuffle, in which the mob were in a great measure dispersed.

Did they return? Yes; they went into the street and got some faggot sticks and attacked the constables, it was impossible to restrain them; when they saw they were coming with sticks, they attacked them and dispersed them, and from that time it was comparatively quiet.

'Till what time? It continued in that state, sometimes more sometimes less, till about half-past two or three o'clock; so much so, that the Magistrates seriously considered the propriety of taking Sir Charles to church the next morning as usual.

There was a deliberation upon that subject? There was.

Did not the mob afterwards increase? It did; they were repeatedly brought back as fast as they were dispersed, which first satisfied my mind of there being a regular organization of the mob; as fast as they were dispersed something occurred. Dogs fighting or something which brought them back to the spot; they were repeatedly scattered over the square or the avenues, and were gone away, but were always brought back.

Did they increase in number very much? Very much.

In violence? I think not until three o'clock.

At three o'clock did they increase in violence? About that time they began to increase in violence.

What did they then begin to do? Pressing nearer the Mansion-house and annoying the constables; the chief constables, I think about that time, began to report to me, that they thought their situation serious. I think about two o'clock, in consequence of what I stated to the Mayor about the disposition of the people generally, I was ordered to secure quarters for the troops instead of permitting them to go back to the situation they had previously occupied—that was between one and two o'clock.

Where was that station? The stationof the 14th dragoons was at Clifton —that of the 3rd dragoon guards at Keynsham.

That is a village about five miles from Bristol? Yes, it is.

Did you provide quarters for them? I did.

At Fisher's and Leigh's? Yes, I did; at the bottom of College-green, I had all the horses which were standing there turned out of those Repositories for the sale of horses, and they were made ready for the reception of the troops.

Where had the troops been stationed on the Saturday morning? The two troops of the 14th, the squadron of the 14th in the Cattle-market, just

on the edge of the city, the 3rd dragoon guards within the Gaol walls; the object from the particular requisition of Colonel Brereton, and also in concurrence with Lord Melbourne's wish to keep them out of sight; they were both in enclosed places.

In these two places they were concealed? They were; they had taken their station early in morning; the 3rd dragoons came in from Keynsham, which avoided the city; the light dragoons were brought by the New Float past the Gaol, in order to avoid going through the city.

When did you see Colonel Brereton first on the Saturday? About one o'clock; between one or two o'clock, however. I had seen him on the Thursday preceding, and had ridden over the ground with him, Captain Gage, and Captain Warrington, for the purpose of arranging where the troops should be stationed, and the manner in which communications should be had with them in case difficulty arose.

Captain Warrington commanded the 3rd dragoon guards? He did.

And Captain Gage the 14th? Yes.

He was the junior Captain? I believe he was; he was introduced to me by Col. Brereton, for he had asked whether it was necessary or not.

On the Monday preceding you had made this arrangement with Colonel Brereton, to ride over the ground with him, Captain Gage, and Captain Warrington? Yes.

Mr. Attorney-General—Whether what was necessary? Whether this sort of precaution was necessary. I had asked to see the officer who was to have the command of the troops; at first he seemed to think it was not necessary.

Mr. Campbell.—At what time was that? On the Thursday preceding. There had been a doubt expressed, that is the fact, as to the authority which the Sheriffs had a right to exercise over the troops, and I was apprehensive of the consequences of such a doubt, and I insisted upon having it removed —and stated to him, that the responsibility of the Judge rested upon the Sheriffs, and I must have that point settled,—that I must see the officers with whom I should be in communication.

You saw all the three on the Thursday? I did.

On the Saturday, about one o'clock, you first saw Colonel Brereton? I think it was about one.

What passed between you and him? I mentioned to him the arrangement for providing quarters for the troops, and I saw him once or twice afterwards—between one and four o'clock; when I first saw him I had not provided the quarters.

Did you afterwards tell him you had provided quarters at Leigh's and Fisher's? I did; and I then requested him to send for the troops, and station them there.

From the Cattle-market and the Gaol? Yes, that was much later in the afternoon.

When were they brought in from the Cattle-market and the Gaol, to Leigh's and Fisher's? I think it was about half-past three o'clock that I saw him last—he then shewed me the despatch he was about to send Lord Melbourne, and I protested strongly against the manner in which he had stated the occurrences in the morning—he hesitated about the thing.

Mr. Attorney-General.—I do not know whether that is too wide a range, but I do not wish to object.

Mr. Campbell.—When were the troops brought from the Cattle-market and the Gaol, to Leigh's and Fisher's? I cannot answer the time precisely; I did not see them arrive; I left him about half-past three o'clock, for the purpose of his sending for them. I knew that the 3rd dragoon guards were arrived at Leigh's at the moment they were sent for—the 14th were not arrived.

Did you return to the Mansion-house? I did.

About what time? I was in and out repeatedly on these communications with Fisher and Leigh, and Colonel Brereton, and I was called upon by the Magistrates two or three times, to answer questions to them. I was in and out constantly the whole morning.

Did the mob increase in Queen-square? It did at that time.

About what time? About three o'clock, or soon after.

Was the Riot Act read? It was.

About what time was it first read? I was not present when it was first read.

Were you present when the Mayor addressed the people? I was.

About what time was that? I should think it was a little after four—the chief constables had before that time pressed very much for the employment of the military, their being brought in; I mentioned this to the Magistrates; I think the Town-clerk pressed for their being sent for also. Sir Charles Wetherell repeatedly went to the window, and objected to their being sent for; he said there was not any excuse whatever for the employment of the military. Mr. Burges, the city solicitor, took me, upon one of these representations, himself up to the window, and said—"now point out to me, Sir—now show me, is there any excuse for the employment of the military?" I told him that I was afraid there was not if they were then called, but that I knew what would follow in the course of the evening, if they were not called in. I admitted that there would not have been in law at that moment a fair excuse—a fair justification for using actual force;—the crowd was of that description, that it contained many people respectably dressed—the sort of people one sees about.

What appeared to you to be the feeling in the city respecting the Magistrates? A direct political feeling, the necessity of making a demonstration of public feeling that had been constantly expressed throughout the whole of our application for assistance, respecting the progress of the Reform Bill; that as Sir Charles Wetherell had stated that there had been a re-action, it was necessary to shew that there had been no such re-action, but that it was false.

That sentiment had been expressed by persons who had been applied to to assist? Yes.

Mr. Justice J. Parke.—That was the answer you got on your application for assistance? Yes; the Ward of Saint Mary Redcliff, in answer to the application for assistance from them, stated that if they were called by their own duty to attend Sir Charles Wetherell, they would do so, but that on no account would they ask any of their fellow citizens to put themselves into such a situation for the protection of such a person.

Was that the answer of the chief constable? Yes.

Mr. Justice Littledale.—Will you repeat that? That, if necessary, they would attend themselves; and I had not a single volunteer from the Ward of St. Mary Redcliff.

Sir James Scarlett.—Will you state who gave that answer—whether the ward or the constables? The chief constable of the ward gave me that answer from the ward.

Mr. Campbell.—You say that the chief constable, as the organ of the other constables said that,—is that what you mean by the ward? The ward constables.

Did it appear to you that amongst persons in a superior condition in the city, there was a strong indisposition to assist the Magistrates in preserving the peace? Upon that occasion, certainly.

From political feeling? From political feeling.

You say that you heard the Mayor address the multitude? I did.

Describe what was the state of things in the square immediately before that time? Great violence—great shouting—outcries against Sir Charles Wetherell; I think a few stones had been thrown.

At the windows of the Mansion-house? Yes, at the windows of the Mansion-house. Several persons had been taken into custody for throwing stones; at that time, a body that had been sent down to Bridewell with them had been attacked, and the prisoners had been rescued?

Mr. Justice LITTLEDALE.—Do you mean that the prisoners were rescued that night? Yes; about three o'clock that they were taken away.

Mr. CAMPBELL.—They were taken in their way to the Bridewell? Yes, at some distance from the Council-house—and constables who had been sent for refreshment had been very ill treated in Bridge-street, at some distance from the Mansion-house.

Where did the Mayor go to address the mob? In front of the Mansion-house; a chair was brought out for him, and the Aldermen went out with him.

He mounted the chair? He did.

And the Aldermen went with him? Yes, I think Mr. Alderman Abraham Hilhouse was at his right hand—several of the Aldermen were with him, the greater part of those that were in the house.

Did you see what he said to the mob? The effect was, a request that they would desist immediately from that sort of proceeding—that it would not be tolerated—that it would be with very great regret he should read the Riot Act—but that he must do so, and must disperse them if they did not immediately disperse—something to that effect. He spoke to them at some length, three or four minutes I should think.

Were there any stones thrown at that time? Yes, they heard him at first for a minute or two, and then sent a volley of stones.

Did the stones begin to fly before he had finished his address? They did.

Did he continue to address them while they threw stones? He did.

Did he display any want of personal courage? Not the least: I perhaps may anticipate here, and say at once, through the whole time I was constantly with the Mayor I never saw the slightest instance of personal shrinking. The only instance of hesitation at all, that I saw, was when Captain Gage suggested the necessity of firing upon the people in a particular direction: there then appeared to be, for some seconds, a sort of struggle: he then said, "they must be fired on, if they will not disperse."

Mr. Justice J. PARKE.—When was that? That was later in the evening: that was the only occasion on which I saw the least hesitation throughout the whole of the disturbances.

Mr. CAMPBELL.—Were you sent for the military? I was, in consequence of its being understood that the previous messenger had not been able to get out of the crowd.

Where did you go to for that purpose? To head-quarters in College-green.

At what hour? I think it was either a few minutes before or a few minutes after five o'clock.

You went to head-quarters? I did.

Did you see Colonel Brereton? We were referred to Captain Francis', and went there across the Green, where we saw him immediately.

Did you tell him that the Magistrates ordered the military to come out? I brought him a note from them; I mentioned to him also the purpose for which I was sent.

Do you know whether the messenger, who had been sent before, had been able to get through the crowd? I learned that Colonel Brereton had received no communication previous to my arrival.

Were orders then given for the military to assemble? They were.

How long was it before they were ready? I saw the Colonel on horseback; he had to go to another stable for his horse, and I returned to the Magistrates. When I reached the square I found that the attack had commenced and with so much violence, that after going round the Mansion-house I returned and hastened them; they arrived in about half an hour I think.

You went to the Mansion-house and found that the mob were attacking it, then you returned to hasten the troops, and then you accompanied the troops to the Mansion-house? I did.

Was Colonel Brereton along with you? He was; I came down with my hand on the holster of Colonel Brereton's horse.

Did you accompany Colonel Brereton till he got to the Mansion-house? To the instant at which the troop was formed in front of the Mansion-house.

Did you see him introduced into the Mansion-house? No, I left him the instant that the troops were there and ran into the hall myself. At the head of the stairs I met Alderman Fripp, and just behind him Alderman George Hilhouse.

Did you see the Mayor at that time? Very shortly after that; I enquired for Sir Charles Wetherell first; either the Mayor or Mr. Sheriff Bengough, I do not know which, told me he had made his escape.

Did you see Colonel Brereton introduced into the Mansion-house afterwards? No, I saw him in the Mansion-house; he was not in there for some short time after that.

Sir Charles Wetherell had then escaped? He had.

In your judgment was it necessary for Sir Charles to leave the city of Bristol, at that time? Unquestionably.

For what reason? That the object of his coming could not, by any possibility, have been carried into effect: it would have been utterly impossible to have held the assizes to have tried prisoners; in fact, I think, almost under any circumstances, but with him utterly impossible; the public mind was in that state of excitement it would have been utterly out of the case.

When you returned with the military, did you find that Sir Charles Wetherell and the Magistrates had been in danger, in the Mansion-house? Decidedly so; I saw the attack—I could not get in myself.

What was the nature of the attack? With the utmost violence; I left I should think, 100 constables in the house, of whose firmness and courage I had not the slightest doubt, because they had protected Sir Charles perfectly through the mob in the day; the attack was made with stones.

What became of those 100 constables you left? I saw a great many of them injured when I got them together; what they did afterwards I cannot tell; the mode of attack was by stone throwing, and it is impossible to meet that with sticks in the dark,—quite so; you do not see where they come from, and you never close within twenty or thirty yards of your assailants.

Was any one sent to Sir Charles Wetherell from the Mansion-house? Yes.

Who were sent? Mr. Burges and myself, in consequence of the deliberation of the Magistrates.

Recommending to him to leave the city? Yes, it was discussed at some length.

You concurred in that determination, that it was necessary he should leave the city? It was my opinion; my duty was to obey orders.

Did you go to Sir Charles Wetherell? Yes.

Where was he? I had expressed my opinion to this extent, that on no consideration would I move with Sir Charles Wetherell again, on the part of the Sheriffs, unless we were perfectly protected by the soldiery.

Where did you find Sir Charles Wetherell? At a house on Saint Michael's Hill,—Captain Gardiner's, I think.

You communicated to him the determination of the Magistrates? Yes.

Did you mix with the mob at that time? We did not know where to find him at first; we were in and out, repeatedly endeavouring to get information;—I saw them therefore ———

What description of persons were they? All classes; it appeared to me the violent classes were of a very low description, but the crowd surrounding was of the same description that I had seen in the morning,—all sorts of persons, all classes, respectable, well dressed people round; the actual agents in the mischief were the lowest.

Did they do anything to restrain those who were doing actual violence? I saw very little violence indeed after the arrival of the military; they were patrolling in sections round the Mansion-house.

Did the better-dressed people you saw appear to approve or to disapprove what the mob were doing? I do not think there was either approbation or disapprobation shewn of what the mob were doing.

When the mob were active and doing violence? The only violence that took place on the Saturday night was during the few minutes while I was there; I saw no violence except the throwing stones, and occasionally the injury the constables received.

Mr. Justice TAUNTON.—Will you confine yourself to answering the question. At the time when you saw any act of violence committing which you say the constables could not repel by sticks, do you remember any instance of these well dressed, respectable persons interfering to prevent it; the plain answer to that is yes or no? I could not distinguish; there was approbation expressed, but I cannot tell by whom.

Mr. Justice TAUNTON.—Did you see any instance of respectable persons in the crowd interfering to prevent it? No, I did not.

Mr. Justice J. PARKE.—You will save a great deal of time if you simply confine yourself to answering the questions.

Mr. CAMPBELL.—When you returned after seeing Sir Charles Wetherell did you find that Major Mackworth had organized the constables? Yes, I met him coming down stairs.

Did you see any dragoons brought in wounded, at any time? Yes.

When was that? I cannot exactly say.

About what time? In the course of the evening,—I think it was after Sir Charles Wetherell left the town.

Was that at the time when Captain Gage requested leave to fire? Yes, just previously to that.

And the Mayor gave the answer you have mentioned? He did.

Do you recollect Colonel Brereton afterwards coming to the Mansion-house? Yes.

What did he say upon the subject of firing? That it was unnecessary.

What did he say respecting the disposition of the mob? That they were good humoured,—he had no doubt he should walk them down.

Do you remember Mr. Serjeant Ludlow saying anything upon that? He asked if that was an evidence of good temper.

What? Pointing to the soldiers who were lying on the sofa.

The wounded soldiers? Yes.

Do you recollect anything that Serjeant Ludlow said respectiug the peace of the city? No,

On the Saturday night, at last, was all quiet? It was.

Where did you pass the night? At home.

At what hour did you leave the Mansion-house? Nearly one o'clock or quite one; it was arranged that I should relieve Mr. Burges early in the morning.

Was Mr. Burges to remain during the night with the Mayor and the Magistrates who remained in the Mansion-house? Yes.

Who were they? I do not know.

Where do you live? Just at the confines of the city—about 100 yards out of the city.

You went to your house? Yes.

Did you find the city quiet when you left? Perfectly so, or I should not have felt myself justified in leaving—I passed through the greater part of the streets, and they were perfectly quiet.

At what hour did you return to the Mansion-house on the Sunday morning? Between six and seven.

What was the state of the city at that time, between six and seven? There was nothing that excited any attention at all until I got within a few hundred yards of the Mansion-house; there was a picquet of the 14th sitting in front of it with their pistols—apparently quite quiet—there were few people assembled.

How long did you remain at the Mansion-house at that time? About an hour and a half or from that to two hours.

Where did you find the Mayor and Aldermen when you arrived in the morning? I found the Mayor in the drawing-room.

Did it appear to you that he had been sitting up all night? Yes, I think there were no beds to which he could have gone.

What use had the beds been applied to? I think the beds in the corner room had been taken down stairs to barricade the windows; I saw them.

Did the Magistrates re-assemble? They did.

About what hour? Just before I left, the Mayor went into the banquetting-room, in which we did not see the front of the Mansion-house; we were sitting there together, when we heard a violent crash.

From what did that proceed? From a very considerable body of people who had assembled.

Did the Mayor then give you any orders respecting the constables? Yes.

What were those orders? To collect them immediately—to get them to the Guildhall, and bring them.

Did you see the constables for that purpose? I wrote summonses to the chief constables, sent them out, and called on as many as I could—on several of them.

Did you return to the Mansion-house? Yes, I did.

About how long were you absent? I should think about three quarters of an hour.

When you returned to the Mansion-house, did you find that the Mayor had been obliged to fly? Yes.

Mr. Justice Littledale.—At what time was it when you returned the second time? I do not immediately recollect, but I think I can ascertain it; the summons I sent at the moment is dated twenty minutes past nine on the Sunday morning.

Mr. Campbell.—Were you sent by the Mayor, as soon as it was found the mob had re-assembled? At the instant,—the first notice we had of it was by the crash I have mentioned.

I think you said that the order of the Mayor was for the constables to meet at the Guildhall, and come down to the Council-house immediately? Yes.

Was there any other mode in which the civil force could have been assembled more speedily? None that I am aware of.

Having found that the Mayor had left the Mansion-house, did you go to the Guildhall? I did.

Did you find the Mayor and the Magistrates there? Yes, several of them.

The Mayor and several of the Magistrates? Yes.

About how many constables assembled in consequence of your requisition. But few, I do not know how many, but I should think there might be sixty or seventy.

What was the next step taken to procure the attendance of the citizens? The sending out notices, but that was not done by me.

Was it resolved that notices should be sent to all the places of worship? I do not know that fact from my own knowledge.

Mr. Attorney-General.—We know it, I think, from the evidence.

Mr. Campbell.—From your knowledge of the city of Bristol, did it appear to you that the sending notices to all the places of worship, for the citizens to attend, was a judicious measure? Yes.

Could you suggest any other more likely to collect a civil force? No.

Was any precaution taken that day respecting the arms at the gunsmiths'? Yes.

Just describe it? The Magistrates sent me round, and I believe others, to the gunsmiths. I saw, I believe, the greater number of the gunsmiths in the city, and arranged with them for the concealment and removal of the guns in their possession, separating the locks from the guns.

Mr. Justice J. PARKE.—At what time was that? I think about 12 or 1 o'clock.

On Sunday? Yes.

Mr. CAMPBELL.—Do you know what was finally done with the arms which the gunsmiths had? Mr. Fisher's were carried away, being one of the principal ones, to several places among friends; Mr. Gillet's the same. Mr. Hole I could not find, but I sent to him,—he lived off the premises.

Do you know what became of the arms of any of the other gentlemen? No, I do not.

But directions and cautions were given to all the gunsmiths? I believe so.

In consequence of the summonses sent round to the different places of worship, about how many assembled at the Guildhall? I was not present.

Were you at the meeting in the afternonn? I was.

About how many attended then? Not 200, I think.

Are you aware of any thing more that could have been done to assemble a greater force at that time? No.

Was any thing then said about the employment of the military? Yes.

Was any condition made as to their exerting themselves? A very strong and violent protest against the leading the citizens out to be murdered, unless they were supported by the military.

Do you know that the 14th had then been sent out of the city? I do.

Mr. Justice J. PARKE.—Do you say I know, or I knew? I knew.

Mr. CAMPBELL.—Was there any efficient civil force under the command of the Magistrates, who would act without the military? No; who could act?

I asked, who would act?—was there any efficient civil force under the command of the Magistrates who would act,—who consented to act without the military? No.

How many were there of the citizens of Bristol who were willing to act without the military? I did not know of any.

Were you present when a discussion took place between Colonel Brereton and the Magistrates, respecting sending away the 14th? I was.

When was that? About 11 o'clock, I think.

At the Guildhall? Yes, at the Guildhall.

State what took place upon the subject? Colonel Brereton applied for permission to remove the 14th. He said they had had the misfortune to kill a man on the preceding evening, and had again fired on the people that morning—the people were exasperated against them—and the only chance of preserving the peace of the city was their removal.

What did the Magistrates say to that? There was a long discussion took place; Colonel Brereton urged a variety of reasons why they should be removed,—their utter incapacity to be of any service.

Did the Magistrates consent? No.

What did they say? That it was a measure they could not at all sanction.

Did they protest against it? They did.

Did Colonel Brereton persist in his resolution to send them away? Yes.

Was anything said to him about acting on his responsibility? Yes.

What was it? I said to him, after hearing a very strong protest indeed from the Town Clerk, that he must be aware that all the reasons he had given were purely military, and that he could not expect the Magistrates to take the slightest responsibility in permitting it.

In the course of Sunday evening were any measures taken to call out the posse comitatus? Yes, I considered the call in the morning to be the calling out the posse comitatus; there were other measures taken.

What measures were taken in the evening? The appointment of a considerable number of Under-Sheriffs, the division of the city into portions, and deputations of Under-Sheriffs were made out.

The city was divided into districts? Yes, into thirty.

With an Under-Sheriff for each? Appointments were made out; it took some time; it was not intended to put it in force until sufficient light in the morning had arrived, and arrangements could be made for it,

Was there a deputation for an Under-Sheriff to each of those districts? There was—to thirty.

How much time was employed about that? I finished it about eleven, as near to eleven as could be.

When did you begin? About six, between six and seven on the Sunday evening,—the consideration of the means of doing it began immediately after the breaking up of the meeting in the Guildhall.

Was that interval of time necessarily employed in those preparations? I think so; I was assisted in the thing by Mr. Taunton, the barrister, Mr. Danson, the barrister, and Mr. George Webb Hall, all of us fully employed.

What were the thirty Under-Sheriffs to do? To summon every party they met, to apply at every house to collect them as fast as they could, and send them to the churches of the parishes; they were written instructions.

Had such a proceeding ever taken place in Bristol before? Not that I ever heard of,—I know of no instance of it.

Was it possible that those measures could produce any force on that Sunday night? Nothing but mischief I think, if it had been attempted.

What was done on the Monday morning in pursuance of that plan? The Under-Sheriffs were appointed,—they collected their people,—a force was organized.

In the different parishes? Yes.

At what time on the Monday was it before the force was organized? I think about ten o'clock they were organized in the different parishes; I had seen them myself in the greater number of the parishes.

From the time that the measures you had taken on the Sunday to collect a force had failed, was it possible that this force could have been brought together more speedily than it actually was assembled? I think not; not depending upon the impossibility of getting them together, there was a determination not to come.

Did there appear to you to be any alteration in the disposition of the people of Bristol on the Monday morning? Decidedly.

Of what nature? They did not come on the Monday morning until I was enabled to assure them, from my own observation, that the military were not only arrived but in action: the first assistance, I think ———

From what you observed of their disposition, do you believe that on the Monday morning they would have come forward without the active co-operation of the military? No, I think there was another strong reason.

Will you state that? About seven, or between seven and eight o'clock, I had succeeded in arranging for the junction of the Political Union of Bristol on the side of the Magistrates.

Was private property then in danger? It had been considerably in danger, and destroyed,—that was another cause.

To whom does Queen-square belong? It is Corporation property, let on leases for lives: they have the reversions.

Was the Bridewell public property? Yes.

And the Gaol? Yes.

In your judgment till the Monday morning had the Magistrates any means in their power of suppressing the riots? None whaetver, that I know of.

Could they have recommended any means? I think not.

Could Mr. Pinney, the Mayor, have done more to preserve and restore the peace of the city? I do not know what he could have done more.

I omitted to ask you respecting the Gaol; I must take you back to that. Were you at the Gaol when the mob were there? Very near it; near the outside wall; I could not get to it; it was my object to do so.

Describe, without my putting any specific question, what you observed respecting the Gaol, and the attack made upon it by the mob? I was there a very short time.

At what time? Immediately after the Magistrates had been beaten back.

Did you see any Magistrates there? No, I was endeavouring :o get up to the Gaol, but was stopped; my partner, I was told, had been murdered, and I should be so.

By the mob? Yes, I found him in a house adjoining. I was stopped by some friends, who told me that my partner had been murdered, and that I should be so; he came down with me.

How near to the Gaol had you got? Immediately near to the wall: it is a circular building, a considerable distance from the entrance.

Had you crossed into the island? I had.

In your judgment how many persons were assembled? Many thousands.

Did you see troops there? No.

Were you near enough to observe how the mob were conducting themselves? They were at work with hammers; I did not see them.

Did you hear the sound of hammers? The sort of work you would hear in a large anchor-smith's shop.

In your judgment had the Magistrates any means in their power of saving the Gaol from the mob? No.

At that time could the Magistrates have done any thing to save the Gaol? I think not.

Being Under-Sheriff, do you know how many prisoners there were in the Gaol for trial on capital charges? I think 15 or 16; I am not exactly certain.

Cross-examined by Mr. Attorney-General.

I hope I shall detain you a very short time; you stated that Lord Melbourne had particularly desired that the military should not be sent into Bristol, or be seen there before the necessity occurred? I understood his Lordship to express a wish, that there should be as little display as possible of military force.

Were they at all seen before the day of Sir Charles's arrival in the town of Bristol? I did not see them, except Captain Gage.

You did not see them? No, I rather think they were kept at Clifton.

You did not see them, in fact? I did not.

Just allow me to ask about the hired men; you say they were respectable men; were they pretty well known to the mob, which you say is so busy at elecfions? I should think not.

Were they not called the bludgeon men? That name was applied to them unquestionably, very loudly.

You did not know them before? No; I had particularly in order to avoid any possibility of any thing wrong, placed the nomination with the chief constables; in one ward the chief constable refused to nominate, and I applied to the night constable.

In point of fact you did not know them? I did not; I believed them to be the mechanics employed by the tradesmen who went out; with the exception of that body, I did not know them.

It appears that Bristol is always a very riotous place at elections? At elections it is.

And there are bludgeon men hired to keep the peace? There are persons hired so called.

Sometimes perhaps not to keep the peace? I have never known of an instance of an hiring for a contrary purpose; it was my misfortune, before I became the Under-Sheriff, to be on the unpopular side of the question.

On the opposite side to Mr. Pinney? I was.

Mr. Pinney was on the popular side, was not he? He had been certainly,—he was indeed.

He had not ratted? I believe not.

He was a popular man, was he not? I think he had been.

Had not he taken the chair at a meeting, to celebrate the three glorious days at Paris? He had, I believe; I was not present.

Perhaps he told you so? No; I heard of it, I was told of it very frequently, in my endeavours to procure assistauce.

Had you, on the day of the entrance of Sir Charles, seen the new Act of Parliament about special constables? I had.

Had you seen it in London? I am not certain, but I believe I had.

Was it mentioned to you by Lord Melbourne, or any body at the Home Office? If I saw it in London, it was mentioned at the Home Office.

Do you recollect whether it was or not? I am not distinct in my recollection; I rather think it was, but I am not positive.

Have you the least doubt that it was? If you had not asked me, I should not have recollected any thing at all upon the subject.

Very likely; I wish to bring your recollection to it, as you had none? Nor have I; now you have excited a doubt, which I had not before.

Having had some time to recollect, I will ask you whether you are not perfectly certain, that your attention was called at the Home Office, to that recent Act of Parliament? I am not; I think it probable that it was.

Do you not think that it was? I do not recollect it.

But in London you had seen it? No, if I had seen it any where it was at the Home Office.

You may have seen it in London, but not recollect the place? I have no recollection of the fact of having seen it in London.

The Acts, I suppose, come down soon after they have received the royal assent, to the Magistrates of Bristol? I believe they do.

Do you know, of your own knowledge, of any guns having been removed, and dealt with in the manner you have stated? Yes.

Did you see any thing of that sort done on the Sunday? Yes.

Did you see all done that you have mentioned, of separating the guns? Mr. Fisher suggested the idea; I saw Mr. Fisher's guns in the act of removal, and Mr. Gillet told me he had done the same thing; I sent a message to Mr. Hole, and called upon several others, but could not find them at home.

You say, I think, that on Monday you succeeded in getting the Political Union to act as a body? I did, to act in aid of the Magistrates in preservation of the public peace; in aid of the Sheriff, perhaps, I might more properly say.

Had not the Political Union offered their services on the Sunday? Not to me,—nor that I know of.

You know Mr. Herapath, do not you? Very well.

Had not he attended on the Sunday afternoon; I did not see him; on Monday morning he expressed great regret that he had not seen me.

He expressed great regret that he had not seen you on the Sunday? No; in fact, in the night of Sunday.

Sir James Scarlett.—I think we must not have the conversation between him and Mr. Herapath.

Mr. Attorney-General.—How many of them did you get to act as a body? A considerable number.

Do you recollect whereabout—50, 80, or 100? A great many more.

Mr. Justice Littledale.—Do you mean the number together, or the Political Union? I think that I paid at the rate of 3s. 6d. a day, £75.

Generally, or to them? To the Political Union.

Sir James Scarlett.—To Mr. Herapath? Yes, through the hands of Mr. Herapath.

Mr. Attorney-General.—Did that addition to the posse comitatus make a considerable troop? Yes, the returns on Monday night, at 12 o'clock, when I got my returns, were 2,819 men.

Generally speaking, before elections, you have the military at hand? They are removed always.

Within reach? No; they have been removed to a distance.

Where do they go to? I really do not know—Bath I think, generally. I think I have seen them at Bath, sometimes at Wells.

We have heard of Mr. Herapath; was he appointed one of the Under Sheriffs? He was.

Re-examined by Sir James Scarlett.

What is the rate you paid the other constables at? I think 4s. a day, the actually hired constables.

Mr. Herapath's subjects were cheaper, were they—3s. 6d.? He stated the absolute necessity of finding something for them.

Was it 3s. 6d. a day? I think it was, but I am not quite certain.

Are you personally acquainted with any of the persons forming the Political Union? Did you take the account of the number forming it? I was at their place of meeting—I saw them assembled—I had no personal acquaintance with any party I saw there, except Mr. Herapath.

What number might be assembled there? I think I saw at that place of meeting about 100, a very crowded room.

A small room? Not a very small room. I had a conversation with Mr. Herapath.

As we have heard for the first time of the Constabulary Act, I beg to ask when you distinctly recollect for the first time having seen it? The first distinct recollection I have of it, was in the parlour of the Mansion-house, on the morning of the day of Sir Charles's entrance, but I think I had seen it two or three days before.

It had passed, I believe, about the 15th of October? I do not know.

It had passed but a few days, I believe?

Mr. Attorney-General.—It had passed on the 15th.

Sir James Scarlett.—We know it had passed but a few days before. On what day was it you came to town, to see Sir Charles Wetherell and Lord Melbourne? I think the 19th; I can tell; the 19th and 20th I saw Lord Melbourne.

I think you say, except for the suggestion by the Attorney-General's question, you should have had no idea that the Act to which he has referred had been mentioned to you by Lord Melbourne? No, I should not.

Mr. DANIEL BURGES sworn.—Examined by Mr. Follett.

I believe you are the City Solicitor? I am one of them.

Do you also hold the office as clerk to the Mayor? I do.

Is it your duty to attend upon the Mayor on any occasion? It is my duty to attend upon the Mayor in the office of Mayor's clerk out of office hours, when the general business of the day is over—if the Mayor has occasion for legal or professional assistance it is my duty to attend him.

I believe you accompanied the last witness, Mr. Hare, to London, to see Sir Charles Wetherell? I did.

Were you present with him and Mr. Alderman Fripp, at an interview with Lord Melbourne? I was.

Have you any recollection at all of this Act of Parliament having been mentioned that has now been referred to for the first time. Not the slightest.

Sir JAMES SCARLETT.—Although my learned friend has asked that question, I conceive we are not now called upon to go into this: my learned friend, the Attorney-General, has not made it any part of the charge, and I hope that I am not now to follow my learned friend into a new accusation.

Mr. ATTORNEY-GENERAL.—One of my complaints distinctly was, that no special constables were summoned and sworn in, and as to this particular thing happening at the interview, your Lordship knows that many things come to our knowledge from the recollection being refreshed.

Mr. Justice PARKE.---There was a former Act of Parliament, with respect to swearing in constables.

Mr. ATTORNEY-GENERAL.—Yes; but it is rather a novel thing for my learned friend to object to the question of his own junior.

Sir JAMES SCARLETT.—What I say is, that I shall take upon myself to say that I shall not go into that inquiry because it is not found in the record, nor did my learned friend urge it in his speech, and I had a distinct answer to it if my learned friend had chosen to urge it,

Mr. Justice TAUNTON.—Have you any recollection of the precise day on which that new statute which passed on the 15th of that month of October, came to the Magistrates' hands at Bristol? No, my Lord, I have not.

Mr. Justice TAUNTON.—It only passed on the 15th.

Mr. ATTORNEY-GENERAL.—It is printed about three days after it receives the Royal Assent.

Mr. Justice TAUNTON.—It by no means follows that it was received immediately.

Mr. ATTORNEY-GENERAL.—I shall not argue any point of fact upon that subject.

Mr. Justice TAUNTON.---I only say it by no means follows.

Mr. Justice PARKE.—It certainly was not opened as a ground of charge against the Magistrates, that they did not appoint special constables pursuant to this Act of Parliament. Now I will throw it out for the consideration of the Attorney-General, that supposing an indictment had been brought against the Magistrates, for not complying with this Act of Parliament, it would have been necessary to have alleged in the indictment and to have proved that information was laid before the Magistrates, upon the oath of two persons, and that they were required to appoint special constables; and under the old Act of Parliament it would have been necessary to have proved that information was given upon the oath of five persons. Now can you include it here under the general charge against the Magistrates, unless you prove the same thing?

Mr. ATTORNEY-GENERAL.—I certainly shall take into consideration with the greatest respect what your Lordship has thrown out.

Mr. Justice LITTLEDALE.—The present impression upon my mind is rather different from my brother Parke's, because, though I have no doubt, if you indicted them upon this Act of Parliament, it would be necessary to prove that the oath had been made, and that they had been required to appoint special constables; yet, it is another question whether, if they had notice that tumult existed, and that riots were to be apprehended, it is not to be expected of the Magistrate that he should endeavour to put the Act of Parliament into force, because any one Alderman might have put that Act into force; and I am rather disposed to think that that may be brought into question here, as a means he has in his power, in order to preserve the peace. The method that a Magistrate is to take to preserve the peace is already pointed out by an old Act of Parliament. There is a statute of Henry the 8th, which, after referring to a statute of Henry the 4th, and

complaining that that is not carried into effect, says: "And that the King's liege people being sufficient to travel, in the county where such routs, assemblies, or riots be, shall be assistant to the Justices, Commissioners, Sheriff, and Under-Sheriff of the said county, when they shall be reasonably warned to ride with the said Justices, Commissioners, and Sheriff, or Under-Sheriff, in aid to resist such riots, routs, and assemblies, upon pain of imprisonment, and to make fine and ransom to the King." Therefore, I take it, that the general duties of a justice are those pointed out in this Act of Parliament; that he is to summon all the people to attend him, and that they are bound to attend him; and, I take it, under this Act of Parliament a Justice of the Peace has the same power to raise the posse comitatus as the Sheriff has, only the term posse comitatus is more usually applied to the force raised by the Sheriff than to the force raised by a Justice. The Justices are called keepers of the peace, and this Act of Parliament points out in what way they are to keep the peace, in order to suppress riots. With regard to the other Act of Parliament, it rather appeared to me, that as a means of preserving the peace, it may be taken into consideration whether any steps had been taken under that Act.

Mr. Justice Parke.—That I take to be quite a different question from the specific charge of not appointing special constables. If you make that a charge against the Magistrates, you must bring yourself within the terms of that Act;—it is quite a different question from what arises under the general charge of not discharging their duty.

Mr. Attorney-General.—I put it as part of the power that the Magistrates possessed.

Mr. Justice Parke.—If you make it part of the general charge, that the Magistrates were not sufficiently active in discharging their duty, that is a different thing; but if you proceed to indict them for not performing this Act of Parliament, you must prove that some information was laid before them.

Sir James Scarlett.—All I mean to do is to make my protest against this enquiry originating now. If it was competent for the Attorney-General to introduce it upon his general indictment, he ought to have done so in his opening, and to have called my specific attention to it, which he has not done. I do not enter upon the argument, but I undertake to satisfy your Lordship that it could have had no bearing upon the question.

Mr. Attorney-General.—I did most distinctly charge the Magistrates with not having sworn in special constables at the time when they were necessary, either under the Act recently passed, or under the Act which was repealed by that: and therefore I take it that I have a right to ask every question as to the knowledge of the Magistrates of the power they did possess, in order to shew that they did not exercise that power.

Mr. Justice Parke.—All I say is, that my attention was not directed to that Act of Parliament in particular.

Sir James Scarlett.—My learned friend stated it in a general way, and I shall endeavour to give the general answer, that the people would not come to be sworn.

Mr. Justice Taunton.—I must confess that I do not precisely understand what the nature of the special charge is, as to the special constables; if the nature of the charge be this, that the Magistrates did not exercise proper vigilance and attention in appointing special constables, that was clearly opened by the Attorney-General, and evidence to that effect has been given: therefore there can be no ground of objection, if that be the charge. But if the head of charge be not merely that they neglected to appoint special constables, but that they failed in a punctual compliance with the particular provisions introduced by the statute that passed upon the 15th of October, then I say that it is a case of hard measure upon the defendant, that this should be introduced for the first time, after his counsel has addressed the Jury, and after he has passed his opportunity of

saying a word upon it. Again, that would only go to the propriety of introducing it; but it appears to me that if the want of punctual compliance with the Act be the point, I think that that point might be given in evidence upon this general form of information, without being specifically alleged as a point of charge. Yet if that be the point of charge, it seems to me at least that the evidence for the prosecution should have shewn, in point of fact, that it had been made to appear to the Justices, upon the oath of some credible witness, that a tumult, riot, or felony had taken place: upon which, and upon which alone, are they to do that which the first section of the statute requires. Now the information does not include that head of charge, nor, according to my recollection, was there any evidence given that any such oath had been laid before any Magistrate; in which case alone, according to this statute, he is required to do such and such things. It really appears to me, that if a want of punctual compliance with the first section of that statute is the head of charge, the Attorney-General is not at present—I will not say at liberty to go into it—but that it must fall to the ground for the want of any evidence, on his part, that such an information, by a credible witness upon his oath, had been made before them, in order to call upon them to put this statute in force. Of course it follows, if that be but my opinion, and upon this general kind of information, that if the information had been made more particular—if it had been such an information as was filed against Mr. Kennett, charging specific and particular breaches of duty, in such case it ought to be alleged in the information. I do not mean to say now that it was necessary to have put it in the information, but I think it ought either to be alleged in the information, and followed up by evidence; or if not alleged in the information, at least evidence to that effect ought to be laid before the Court.

Mr. Attorney-General.—I apprehend the only question now is, whether the circumstance of the knowledge of this Act of Parliament is evidence, and I apprehend that there can be no doubt that it is. I will only add, that I am sure that I shall listen with the utmost respect to every suggestion of the Court, both as to the legal propriety and as to the moral propriety of conducting the case, in every particular, and I hope I shall not fall under the disapprobation of your Lordships, when I come to observe upon this part of the evidence.

Mr. Follett (to the witness)—On your return to Bristol, were there any meetings of the Magistrates to consider the means of raising a civil force? Several.

Did they meet on several successive days? They did.

Were they attended by the Under-Sheriff, Mr. Hare, on those occasions? They were.

I believe you were present when orders were ultimately given to Mr. Hare to collect 300 constables? I was.

Were you present also when Mr. Hare reported to the Magistrates, that he could not collect sufficient volunteers to raise that number? I was.

And when directions were given to hire them? Yes.

I believe those persons who were hired were paid by the Magistrates? I know nothing of the payment, except the order to pay: the Magistrates told Mr. Hare that they would pay for any deficiency which he could not procure in the regular way.

On the morning of Sir Charles Wetherell's entry, did you go to meet him? I did not.

When did you first see the Mayor on that day? I saw him at the Council-house.

How early was that? I think between seven and eight o'clock in the morning.

What was the Mayor then doing? The Mayor came there for the purpose of going to the Exchange to meet the constables.

Did you go with him to the Exchange? I did.

Did you hear him address the constables there? I did.

I believe he exhorted them to act with temper, and with firmness? He did.

You say you did not go to meet Sir Charles Wetherell; you were in the Guildhall afterwards, when he was there, were you not? Yes, waiting his arrival with the Magistrates.

When you saw the Mayor in the morning, at the Council-house, was he dressed in his full dress to meet Sir Charles? He was not.

He went home in the interval, and dressed himself? He returned to the Guildhall dressed.

Was there any interruption given to the reading of the Charter while you were there? Considerable.

I believe the Town Clerk, by the request of the Recorder, addressed the people assembled? I think it was by the request of the Recorder. There was a cry of "Reform" in the Hall,—the Town Clerk rose up, and said, "Gentlemen, this meeting has nothing to do with Reform—let me entreat you to be quiet, and allow the proceedings to go on regularly," or to that effect,—I do not know the exact words.

Were you afterwards at the Mansion-house? I was.

At what hour did you go to the Mansion-house? Immediately after the meeting at the Guildhall broke up;—I was at the Mansion-house, I believe, soon after the arrival of the Recorder.

You did not go in the procession? No.

That is not part of your duty? Not at all.

How long did you remain in the Mansion-house on the Saturday? I remained in the Mansion-house until the military arrived, and for sometime afterwards, till I went to Mr. Hare, to discover Sir Charles Wetherell.

Were you present at the Mansion-house during the time the attack was made upon him before the military came up? The whole time.

What was the nature of that attack, just before the attack of the military? Most furious—I had a particular opportunity of seeing it in the situation in which I stood.

Were you in the drawing room? I was not.

Where were you? I was upon the stair-case, by looking over which I could see the front door—and through the apertures of the doors I could distinctly see the mob.

There was a great quantity of stones, and so on, thrown into the house? Very great.

Did you see any straw brought in? I did not see the straw brought in, but as soon as the military arrived, I went down stairs, and I saw the straw in the dining room, under the dining tables.

Did you see the military arrive? I saw them at the door.

Did you see the mode in which they were received by the mob? No, I did not; I was in the house.

You say you went with Mr. Hare to Sir Charles Wetherell; what time was it when you returned to the Mansion-house? We went twice in pursuit of Sir Charles Wetherell.

Did you leave the Mayor at the Mansion-house? I did.

I believe, before you went to Sir Charles Wetherell, you were present when the Mayor addressed the mob? I was.

Were you also present when he read the Riot Act. I was; I stood next to him.

Mr. Justice Littledale.—What time of the day was that? I should think, between four and five.

Mr. Follett.—That I believe was after he addressed the mob? It was.

How soon after? Probably half an hour; I cannot exactly state the time.

He returned into the Mansion-house, after addressing the mob, and then went out again in half an hour, and read the Riot Act? He did.

Where was he when he read the Riot Act? He was upon a chair in the front court.

Were you by him? I was close by his side.

Were there any stones thrown at that time? Many; one which was aimed at the Mayor, struck through my hat, which was a stiff hat; it cut a hole in it and produced a violent swelling upon my head; the same moment I received a brick-bat upon my side, which almost deprived me of breath.

Were those stones and brick-bats thrown while the Mayor was in the act of reading the proclamation in the Riot Act? During the whole time.

You say you were standing near the Mayor at that time; did he shew any want of personal courage at that time? Not the slightest.

I believe, after the military came up, there was a comparative degree of quiet in the square outside? There was.

Was there any riot, or tumult, or attack upon the Mansion-house, afterwards, that night? Stones were occasionally thrown; I heard violent shouting in the square, from time to time; not so violent, or any thing like it, as had been before the military arrived.

I believe both regiments were there, the 14th and the 3rd, during that evening? Yes, they were.

Towards 12 o'clock on that night, was peace restored in the city, generally? I was at the Mansion-house.

At the Mansion-house? Between twelve and one o'clock it was perfectly restored; the streets in the neighbourhood of the Mansion-house were perfectly quiet.

Were you present when any report was brought to the Mayor at that hour, as to the state of quiet in the city? I think one of the Aldermen, Alderman George, who staid during the night with the Mayor, left the Mayor for a short interval to go out and make enquiries in the city as to its state.

Did Alderman George come back and make a report in your presence? He did.

What was the report he made? He said he found every thing perfectly quiet.

About what o'clock was that? I do not know, it was some time during the night,—I remained at the Mansion-house till five or six o'clock.

After Alderman George came back with that report, was there any arrangement as to one or two of the Magistrates remaining in the Mansion-house that night? Yes, there was.

Who were to remain with the Mayor? Mr. Alderman George and Mr. Alderman Goldney, and I was requested to attend.

Was it arranged that the other Magistrates should meet again at the Mansion-house the next morning? I think it was arranged that the other Magistrates should meet the following morning at the Guildhall.

And to meet the Mayor there? To meet the Mayor at the Guildhall,—they could not meet at the Mansion-house.

Why not? The windows were broken in, and the house was in confusion —I do not say that they could not meet, but it would not have been a proper place for them to have met under the circumstances.

Mr. Justice Littledale.—At what hour were they to meet at the Guildhall? I do not exactly remember, but it was early in the morning they were to meet.

Mr. Folletr.—Did those Aldermen you have mentioned, remain with the Mayor at the Mansion-house? They remained till between five and six o'clock;—everything had then been in a perfectly tranquil state from between twelve and one, up to that hour; and Mr. Alderman Goldney, one of the Magistrates in attendance. residing at Clifton, very near where I reside, said, "Well, I think, Burges, we may as well go home, as we have nothing to do here." I asked the Mayor whether he would wish us o continue? The Mayor replied, "I see no necessity for it,—peace seems

restored, and every thing is quiet,—you have had an arduous duty up to this time, the preceding Saturday, and all night—you had better go home."

I believe you and Mr. Goldney then returned to Clifton? We did.

You say that you had had an arduous time of it,—had there been any dinner or refreshment during the day? I had tasted no food—nor was there any dinner at the Mansion-house—certainly I never saw any refreshment in the room.

Did any of you that were remaining at the Mansion-house, the Mayor, or those two Aldermen, go to bed that night? Certainly not.

When you went, you left the Mayor and Alderman George there? Yes.

Still out of bed, of course? In the drawing room.

Mr. Justice PARKE.—What time was it? Between five and six.

Mr. FOLLETT.—During the time you were in the Mansion-house, in what part of the Mansion-house was the Mayor? He was in the drawing-room the whole night.

During the time the attack was made upon the Mansion-house, in what part of it was the Mayor? In the drawing-room as long as I continued in the drawing-room, after the Riot Act had been read. When the attack became more furious upon the house, I joined the constables upon the stairs; I then left the Mayor and the Magistrates in the drawing-room.

Did you occasionally go in and out of the drawing-room after that? No, I could not move from the situation in which I was; it was crowded with constables, and I was rather in advance of them; indeed, I did not attempt to move.

Were you there when Colonel Brereton arrived? I was there when Colonel Brereton arrived.

Where did you first see Colonel Brereton,—in what part of the Mansion-house? I think I saw him first in the drawing-room.

Was the Mayor there at that time? Yes, he was.

How early the next morning did you see the Mayor? A messenger arrived at my house, I think about eight o'clock; I had gone home between five and six, and the Mayor sent a messenger to say that he wished my immediate attendance; I immediately repaired to the Guildhall. When I speak of hours, all through these proceedings, I must be allowed to say, that I cannot speak with any determined accuracy; but as nearly as I can recollect, I was sent for about eight or nine o'clock.

I forgot to ask you whether, on your way home, you met Mr. Alderman Hilhouse? Mr. Alderman Abraham Hilhouse was the only person we met on our way to Clifton, except the watchmen, and I remember it very particularly; for, as we were ascending the hill to Clifton he said, "I hear Burges's voice."

Where was he going at that time? He was going into the town; I said, "Sir, I have the satisfaction to tell you that all is perfectly quiet." He said, "I shall go on to the Mansion-house."

He left you, and went in the direction of the Mansion-house? He did.

How far is your house at Clifton from the Mansion-house? About a mile, I should think.

Upon receiving this message from the Mayor, you went to the Guildhall, on Sunday morning? I did.

Did you find the Mayor there then? I did.

Was he in the same dress you left him in, the preceding night? I am perfectly clear that he had on his dress breeches and stockings, and buckles.

When you were at the Guildhall, and saw the Mayor, there were others of the Magistrates present? There were.

Were there any steps then taken by them as to summoning the people? Immediately.

What steps were taken? Circular letters were addressed to the churchwardens.

Of each parish? I believe to each parish; but they were written as fast as it was possible to do it. I believe that I dictated the letters, and gentlemen who sat round the table wrote from my dictation several at the same time.

That is one of them? This is one of them,—it is in my hand writing.

[The same was delivered in and read, signed Charles Pinney, Mayor, and dated October 30.]

"The Magistrates feel it their duty earnestly to request, that you will adopt immediate measures to assemble," &c. &c.

I have stated that the letter is in my hand writing, but I observe the words, "all other parishes," were added by the Town-clerk.

The Town-Clerk was also present? He was.

Mr. Justice PARKE.—How many parishes are there? I think there are nineteen parishes in Bristol, but they have not all churches; some of the parishes are incorporated with others.

Mr. FOLLETT.—Those notices you say were written and sent to the different churchwardens,---I believe there were also printed summonses? There were printed summonses in different language.

Have you it here? I have:—"The Magistrates most earnestly entreat the assistance of their fellow citizens to restore the peace of the city by assembling immediately at the Guildhall.---Guildhall, Sunday morning, half past 10 o'clock."

Where were the printed summonses sent---how were they circulated? The printer was desired to print them with all possible speed, and to circulate and distribute them generally throughout the city---to post them and circulate them through the city, and I am not sure that it was not also directed that those notices should be sent to the churches, but I cannot speak with confidence as to that.

Besides that printed summons, was it decided on also to issue bills, announcing Sir Charles Wetherell's departure from Bristol? It was.

(A paper was shewn to the Witness.)

Is that one? Bills of that description were posted through the city.

The same was delivered in and read as follows:—"Sir Charles Wetherell left Bristol at twelve o'clock last night.—Council-house, 30th October, 1831."

There were other notices issued by the Mayor.

What notice was that? It is No. 4 in the Appendix---"The Riot Act has been read three times: all persons tumultuously assembling are guilty of capital felony. By order of the Mayor."

Those bills were also posted in different parts of the town? I believe they were; they were directed to be, but I was confined with the Magistrates in the Guildhall, and therefore I cannot speak to their being distributed.

Did you remain at the Guildhall to see the effect of those summonses? I did.

I believe we have been told that a small number of persons attended? Probably I am less able to speak as to the actual number than almost any other person at the Hall, because I was particularly engaged, under the direction of the Magistrates, and I was in constant communication with the inhabitants who had occasion to apply to the Magistrates upon any subject; —but as far as I had an opportunity of observing, I should think the number assembled at any time during that day, did not exceed 100 or 150 at the very most.

I believe you were present when a discussion took place as to the employment of the military and the reluctance of the citizens to act without the military? I was; I do not know that I was present during the whole of the time, for the reasons I have previously assigned.

But during part of it you were? I was, certainly.

Were you present when the persons that assembled were directed to go and endeavour to get more of their friends, and to return to the Guildhall? I was.

In the interval between these two meetings at the Guildhall, did you remain at the Guildhall with the Magistrates? I did.

Were there letters written to different places during that time? Yes, there were.

One to the Secretary of State? Yes.

Were there letters sent to the commanding officer of the troops at Gloucester? I do not remember to whom, but letters were sent in such directions as the Magistrates thought would be most likely to promote the accession of military strength. I know now that letters were addressed to Gloucester and to other places.

The Magistrates were occupied during this interval in writing those letters to different places? They were fully occupied, and in attending to various applications made by the inhabitants.

During any part of the day at the Guildhall, was any request made to the Mayor to retire to refresh himself or to lie down, in your presence? I made the request to him.

About what time was that? It was soon after an interview with Colonel Brereton—I should think about half-past twelve o'clock.

Was it in the interim between the two meetings? Between the two meetings, at some time, I cannot say positively at what hour.

What was the request you made to the Mayor? I knew that the Mayor had been upon active duty from the Saturday morning preceding—that he had been up the whole night, and as long as I had been with him, the greater part of the time, he had taken no refreshment; and I addressed myself to the Mayor, and said, "Mr. Mayor, you have gone through a great deal of fatigue, you do not know how soon you may be called again into active service, and I should strongly recommend you to obtain a little repose if you can." He would not admit that he was at all exhausted, but he appeared to me to be so—and I said, "I hope the Magistrates will insist upon your withdrawing for a short time."

Were there other Magistrates present at that time? There were.

Did they join in the recommendation? Alderman Daniel said, "I think, Mr. Mayor, Mr. Burges's suggestion is a very proper one, and I advise you to adopt it."

Did the Mayor at last consent to go? I do not know that he consented, but I said, "We had better not lose time about it,—I will go to the White Lion, and order a room for you."

And you went? I did.

The White Lion, I believe, is very nearly opposite the Guildhall? It is in the same street, rather higher up.

You got a room for him at the White Lion—did the Mayor go there? He did; I went back for him, and I took him there.

While the Mayor was at the White Lion, did you remain at the Guildhall with the other Magistrates? I did.

How soon after that did you go back to the White Lion? I should suppose from an hour to an hour and a half.

What was the reason of your going back for him? There was some report brought in that an attack upon Bridewell was threatened, and I said, "I think it is proper that the Mayor should be called—I will go for him immediately."

When you got to the White Lion, where did you find the Mayor? I enquired for his room—they showed me to his room—I knocked at the door, and the Mayor immediately opened it.

Was he dressed? His coat was off—every other part of his dress on, with the exception of his neckcloth,—I saw evidently that he had been shaving.

Can you tell whether he had been in bed or not? I should think it impossible for him to have been in bed in the time. I do not know that it was impossible, but it appeared to me very unlikely, because he was dressed when I went into the room. I did not observe the bed at all.

You stated to the Mayor what you had come for? I told him that the Magistrates thought it would be better for him to return; he said, "Oh, instantly."

Did he go back with you immediately, to the Guildhall? I am not sure whether he went back with me, but he came to the Guildhall in a few minutes; I rather think I preceded him.

The Mayor, I believe, remained in the Guildhall then, during the second meeting of the persons that came at three o'clock? He did.

While you were there, did any part of the Magistrates, or persons there, go towards the Gaol? Two of the Magistrates.

Were you of that party? I was not.

You remained in the Guildhall with the Mayor? I did.

During that afternoon was any report brought to the Guildhall, that the mob were about to attack the shipping and the banks? I cannot speak to the report; for after the Magistrates returned,——I know that it is irregular not to confine myself to answering your questions, but I wish to give a momentary explanation. After the Magistrates returned from the Guildhall to the Council-house, where they had determined to establish themselves, I felt it to be my duty to take care of a very large number of deeds, which I had at that time in my possession, belonging to various clients, and persons by whom I was employed, and I was employing three or four persons to remove those deeds from the Council-house, in the apprehension that the Council-house would be certainly attacked; and that will account for my not being able to speak to every thing that occurred in the interval,

Were you present when any conversation took place between the Magistrates and Colonel Brereton, as to sending soldiers to Bridewell? I was not.

Did you afterwards go with the Mayor to Colonel Brereton's? I did.

What was the object of your going? It was stated that Alderman Daniel and Alderman Fripp had gone to Colonel Brereton's in consequence of a report that the shipping and the banks were to be attacked, and further to urge him to bring in such military assistance as he had.

That they had gone to urge him? That was the report; the Mayor determined he would go there.

And you went with him? I am not sure that I went with him, but I met him there. Alderman Fripp and Alderman Daniel were then there too. When I arrived, Alderman Daniel was not there;—Alderman Fripp was there.

Did you see Colonel Brereton there? I did.

Was Colonel Brereton there when you arrived? I do not think he was.

What passed between the Mayor and him, respecting ordering out the military at that time? Alderman Fripp had prepared a letter at that time to be sent to the Secretary of State, by express, and shortly after I arrived that letter was finished, and was directed to be copied; and it was made up, and it was stated by some gentlemen present, "This is a letter of consequence, Mr. Burges, will you go with it to the Post-master, and send it off."

Was the letter read over to Colonel Brereton in your presence? I do not recollect, but I believe it was.

Did you take the letter? I went with the letter to the Post-master, at the Post-office, and made arrangements for its being immediately despatched.

Did you leave the Mayor at Colonel Brereton's? I did.

Did you afterwards return to Colonel Brereton's? I did.

Did you find the Mayor there? I did.

And Mr. Alderman Fripp? And Mr. Alderman Fripp.

Did you remain with the Mayor long, or where did you go? I remained there for some short time.

What was done while you were there? Some reports were brought in, but I have a very indistinct recollection of them—but something that induced the Mayor to say he would return to the Council-house.

And I believe you went back with the Mayor to the Council-house? I either went with him, or followed him there.

At that time, I believe, there was no appearance of a crowd, or any thing of that kind near Colonel Brereton's? Not at all.

That part of the town was perfectly quiet? Perfectly quiet, as to any appearance of riot, or any disturbance.

Mr. Justice PARKE.—Was it Colonel Brereton's lodgings, or the Recruiting-office? Colonel Brereton's office.

Mr. FOLLETT.—Close to the Palace, is it not? The back part of it looks into the Palace-yard—it was a station of Colonel Brereton's for matters of business.

You say that part of the town was perfectly quiet—was there any reason for any apprehension of any sort while you were there? Not the slightest.

Did you see at that time either of the Serjeants who were examined here? I saw the Serjeants about the premises, in two rooms, upon the ground floor; in fact, I was, at that time, completely wet through, and I went into a room, I do not know whether it may be in the Serjeants'-room, but some room where I saw a fire, which I was glad to avail myself of for a few minutes—and there I saw Serjeants, certainly.

Mr. Justice TAUNTON.—At what time was this? It was somewhere about six o'clock.

In the afternoon? In the afternoon.

After it had become dark? It was dark.

Mr. FOLLETT.—And raining? Raining very hard.

You were very wet—were the whole party wet,—the Mayor and the other gentlemen? I have no doubt they were; I was completely wet through, and quite exhausted—I had not tasted food up to that hour.

From what time? From Saturday morning, except at that moment; Colonel Brereton very kindly presented a loaf and some cheese to the gentlemen who were assembled, of which I partook.

That was the first you had eaten from Saturday morning? It was.

If I understand you right, the Mayor was some time at Colonel Brereton's office, at this time? I should think probably an hour.

Was any thing at all said while you were there, about any means of escape, or anything of that kind? Not a word.

Was there any necessity for it? Not the slightest.

Was there any sign of apprehension shewn by the Mayor, or by any of the gentlemen who were there? There was nothing to cause it.

Mr. Justice TAUNTON.—There was no alarm? There was no alarm—the only subject of alarm I recollect during that interview was, that somebody came in and said that the shipping was on fire. Alderman Daniel, who was one of the party, said, "I will go out and see if it be true." I dare say there was some expression of alarm with everybody upon the apprehension of such a calamity.

Mr. FOLLETT.—I mean any personal alarm? None whatever—no personal fear whatever—not the slightest.

You said that after this interview with Colonel Brereton, the Mayor either went with you, or you followed him to the Council-house? I did.

Before you left Colonel Brereton, did he make any promise of bringing out the troops? Not to me;—any conversation that took place upon that subject must have been whilst I was going to the Post-office.

You saw the Mayor afterwards, at the Council-house? I did.

While you were there, was any report brought in that the mob were about to attack the Bishop's Palace? There was.

What number of persons do you suppose there were at the Council-house, at that time? I cannot speak to that, for I was down stairs, and the constables were scattered up-stairs, in the upper rooms; I think, that probably there might have been from 80 to 100 persons there, but I could not speak with accuracy upon that subject.

Was any thing said, by any of the parties there, about proceeding to the Bishop's-palace, or the Mansion-house? The first I heard of any proceeding to the Bishop's Palace was the report that the Mayor was coming down stairs, to head a party of constables to the Bishop's Palace.

Mr. Justice PARKE.—At what time was that? I should suppose between eight and nine o'clock.

Mr. FOLLETT.—Did you see the Mayor? I saw him, because I joined him.

You saw him come down stairs? I do not know that I saw him come down stairs, but I joined him in the hall.

Do you know whether Alderman Camplin had gone out before with any party of men that were there? No, I never knew that Alderman Camplin had preceded the Mayor; he might have gone out without my knowing it.

I believe Mr. Serjeant Ludlow was also with the Mayor? Yes, Mr. Serjeant Ludlow called on me to go with them.

Mr. Alderman Savage also was with you? He was in the Council-house at that time.

Did he go with you? I think he went out of the house with us.

Did you proceed with the Mayor, and Mr. Serjeant Ludlow, and Mr. Alderman Savage, towards the Palace? I did.

How many persons went with you from the Council-house? I should think probably twenty-five; I speak of the greatest number when I say twenty-five.

In your way to the Palace did you meet any persons in the streets? We met several persons in the streets, particularly in Broad-street; I remember passing three gentlemen, one of whom I knew; and I told him where the Mayor was going, and the object of it; I begged him to join the party, and he said, "You know I cannot; I have very valuable property to protect here;" he was standing opposite his own warehouse.

Did any persons join you? I do not remember any; I remember the Town-clerk going to the opposite side of the way, in the same street, and making the same application to a party.

Did you apply to every person that you met? I do not think we did; but if we met a respectable man he was applied to.

Did any body join you? I do not remember that any body did.

You say about twenty-five left with you at the Council-house; did the whole party go with you to the Palace? No; they fell off very much before we got to the Palace.

Where did you go to,—did you get up to the Palace? We did not; we got very near to the archway leading into the lower green.

How near is that to the Palace? I suppose within fifty yards,—I do not know.

You say you do not know of any body joining you on your way up; do you remember Mr. Bulwer, a clergyman, joining you? I do not remember his joining us.

When you got up to the archway, did you receive any information about the Palace? I was, as well as I recollect, in the rear of the Mayor, and somebody turned round, and said, "You cannot go to the Palace,—the soldiers are surrounding it."

Do you know who it was that said that? I do not.

What else was said about the Palace? I do not remember at this moment any thing being said.

Was there any thing said about the rioters? We then went into Col. Brereton's office, and there something was said.

Was that close to the archway? Within a few yards.

And the window of which looked into the Palace-yard? Yes.

When you got into Colonel Brereton's office, what was it you heard said? One of the Serjeants that came in, said, "They are all caught—they are all caught." I remember his expression perfectly well:—"They are caught like a rat in a trap." He said, "If you come in here you can see it;" he took me into a back room, the window of which looked into the Palace-yard or Palace-court, the court in front of the Palace, and from the window we distinctly saw the troops round the door of the Palace.

From the window of which you could distinctly see the troops surrounding the door of the Palace? Yes.

Mr. Justice LITTLEDALE.—Was the window open? The window was not open; it was a common glass casement.

Mr. FOLLETT.—Was the Mayor with you in that room? I do not know; I do not know who went into the room; I went into the room.

And some others of your party? Yes, there were several.

How long did you remain in the room? A few minutes; we merely looked through the window and retired again.

While you remained in Colonel Brereton's office, did you hear anything about the mob at the Palace? After we had been there a very short time, I think, a report came that the soldiers had left the Palace.

It was brought to you in the office, was it? It was mentioned.

Did you hear anything of the mob? That the soldiers had left the Palace, and that the constables were dispersed.

Was there any alarm then given? Shortly after, somebody came into the room and said, "there is a large body of the mob coming towards the Palace." To get to Colonel Brereton's office you pass through a court, a sort of garden. I went from the office to the front gate leading into the Green from the office.

When you got to the door, what did you see? Within a minute after I got to the door, a man passed me running by, waving a cudgel; he passed it over my head and said, "Damn the Bishops,"—"down with the Bishops." I saw others following him, stragglers; but I heard at a distance a violent cheering, and there was no question in my mind that the mob was coming up.

Did the cheering appear to come from a large body of people? Very.

Did you see any thing of the troops retiring? I saw them going through the Green.

Going off from the Palace? Yes.

When this other mob were coming? It was before that.

Soon after that was it you heard the shouts of this large body of people? Very soon after.

This mob coming up, Colonel Brereton's office was a very dangerous place to be in, was it not? No doubt; I felt exceedingly alarmed, as an individual.

Did you attempt to get the persons in Colonel Brereton's office to go away? I do not know whether I made the communication to the persons within, or whether they had received the information from others before; but as soon as the news was received by the persons in the house that the mob was approaching, every body determined to escape as well as they could.

I believe you went away with Mr. Serjeant Ludlow? I did.

How the Mayor went you do not know? I do not know at all.

But all the persons in the house did attempt to make their escape, and made their escape as well as they could? I believe so, but there was great confusion at the moment; I had an impression upon my mind, that if the mob found out that the Magistrates were there, we should all be sacrificed.

Did you consider, at that time, that your lives would be in danger, if you remained in that place? I have no doubt of it.

And there were no military, nor any constables to protect them? None; I do not know but there might be a few constables that had come from the Palace, but there was nothing like a protecting force.

I believe, shortly after that the mob broke into the Palace, and set it on fire? I understood so; I saw it on fire afterwards.

While you were with Serjeant Ludlow, did you see any constables, who said that the military had refused to act? Serjeant Ludlow and myself made our way across the centre of College-green, and we arrived at the bottom of Park-street, and there we met two or three young men, one of whom appeared to know me, though I did not know him; and they stopped us, and were very indignant at the conduct which they had experienced as constables, at the Palace. They expressed themselves in strong language upon the subject, and said that they had been in action at the Palace as constables, and had been deserted by the military; and it was the second time, I think they said, our lives had been in danger, and we will now give it up, or we will have nothing more to do with it, or some expression to the same effect.

I believe you went with Mr. Serjeant Ludlow to Clifton? I did.

To make arrangements for the safety of his family? The Serjeant mentioned to me, on his escape from the Palace, "I think, Burges, my family is in danger; for all the men who were in Gaol are liberated, and I have sentenced them, and it is very likely they will wreak their vengeance upon me; do not you think it is my duty to make some provision for my family?" I said, "Undoubtedly, Sir, I should do it at all hazards;" then said he, "We are not very far from Clifton,—I wish you would go with me to Clifton." I went to Clifton, and ordered some beds for Mr. Serjeant Ludlow's family, at the Hotel, at Clifton.

Mr. Justice PARKE.—At what time was this? I should think this must be between 9 and 10 o'clock, or somewhere thereabouts, but I cannot tell exactly, for I knew nothing of time that day; I called at my own house, on our way from Clifton.

Mr. FOLLETT.—I believe you heard afterwards that the Mayor was at Mr. Fripp's? I did.

That was after your return from Clifton, was it not? It was.

Did you go to him, at Mr. Fripp's? I went to him, with Serjeant Ludlow.

And saw him at Mr. Fripp's, I believe? I did.

Had you been at Colonel Brereton's before? We had.

And you had heard, I believe, of the arrival of the Dodington troop of Yeomanry? I had.

Was it in consequence of that you went to Colonel Brereton's? It was.

Mr. Serjeant Ludlow was with you, I believe? He was.

Were you able to find Colonel Brereton at the office? We could not find him.

Or anywhere else? We could not find him.

Whom did you see at the office? When we arrived at the outer door towards College-green, one of his Serjeants was standing at the door, and we asked to see Colonel Brereton; he said, "he is not here,—you cannot go in." The Town-Clerk spoke to him in a very angry tone, and said, "what do you mean?—I want to see Colonel Brereton; I must go in." The man made an answer which convinced me at once that he was intoxicated; he clearly was; and I said to Mr. Serjeant Ludlow, "We had better not continue the conversation with this man;" half a dozen people were surrounding us; "at all events get him off the pavement and talk to him."

And you were not able to get in? We could not get in.

Mr. Justice LITTLEDALE.---You say he was intoxicated? He appeared so.

Mr. Follett.---Was he drunk? He was so drunk that he spoke indistinctly.

Could you ascertain whether Colonel Brereton was there? He said he was not there.

After that, I believe, you went to the Mayor at Mr. Fripp's? I did.

Was Mr. Alderman Fripp there too? He was.

Was the Mayor in bed, or was he up? He was up.

In the drawing-room? I do not know whether it was the drawing-room or the dining-room,—one of the sitting-rooms.

Did you state to the Mayor the arrival of the Dodington troop? We did.

And that you had attempted to find Colonel Brereton? We stated exactly what had occurred at Colonel Brereton's office.

I believe you had heard that Colonel Brereton had said that he wanted the Magistrates' authority for the Dodington troop? I had.

An officer had called, had he not, at the Council-house, Mr. M'Leroth? I do not know; I heard so.

Did you state these circumstances to the Mayor? I stated every thing that had occurred since we separated from him at the Palace.

Was it suggested that the Mayor should write an order to Colonel Brereton respecting the troops? It was.

Was there a letter to Colonel Brereton written at that time? A letter was written to Colonel Brereton.

Just turn to it? It is a letter, No. 5, in the appendix.

Have the goodness to read it? "The Mayor of Bristol desires Colonel Brereton to consider himself fully authorized to take whatever steps and give whatever orders he, as the Military Commander of the troops in this city, may think fit, to restore and preserve, as far as possible, the public peace. The Riot Act has been read three times to-day. Colonel Brereton will have the goodness to consider this order to apply not only to the troops at present under his command, but to any which may subsequently arrive in the city.---Mr. Daniel Fripp's, No. 30, Berkeley-Square, Sunday night, 12 o'clock, 30th October, 1831."

Mr. Follett.---Before that address was put there, had the Mayor said any thing about it? I do not remember any thing particular.

Who wrote it? The Mayor.

The Mayor himself? Yes.

Who wrote the other part of the letter below? The second paragraph is—"The Mayor of Bristol begs to inform Colonel Brereton, that if he should have occasion for the orders of a Magistrate, either the Mayor or some other Magistrate will be found at No. 30, Berkeley-Square, Mr. Daniel Fripp's, the second house on the right hand on turning into the Square from Park-Street.---Berkeley-Square, 12 o'clock Sunday night."

Was any thing said about that? Yes, I recollect it perfectly well; it was my proposition; it was dated Mr. Daniel Fripp's, No. 30, Berkeley-Square. I said, "if a communication is to be made to the Mayor in the night, parties may have a difficulty in finding out No. 30, Berkeley-Square; you had better, therefore, distinguish the house,"—in the way in which it is mentioned in the note.

And upon that suggestion that particular description was written? It was.

Was that the whole of the letter? No; "This communication is made to Colonel Brereton in consequence of Lieutenant Macclesfield calling at the Council-house, and requesting to see a Magistrate. Colonel Brereton was gone out when a call was made at the staff station to inform him as above."

That was what you supposed to be the name of the officer that called? Yes; I do not know how the name of Macclesfield got into the letter.

When this letter was written, to whom was it given to take to Colonel Brereton? It was given to Mr. Brice.

Your partner? My partner, or to his son.

Mr. Brice and his son were in the room with you? Mr. Brice and his son came in after our arrival.

They came in, I suppose, for the purpose of seeing the Mayor? They came to see the Mayor, in order to procure the Mayor's signature to billets.

Were any billets filled up or signed, while you were there? There were.

What were those billets for? They were, I believe, left in blank, because it was not known to what they would apply; they were orders for so many horses, and so many men, in blank.

The billets were made out, at that time, in consequence of your having heard of the arrival of the Yeomanry? Yes, they were.

Had you heard that they wanted billets? Mr. Brice stated, that he came in consequence of a communication made to him by Mr. Alderman George Hilhouse that the Dodington troop had arrived, and that they wanted billets.

Were those billets therefore given to Mr. Brice? They were; they were all enclosed in one cover, the letter and the billets, and I think the Mayor said, "How shall we send these?" and Mr. Brice immediately said, "I will take them."

Did Mr. Brice then leave with them? He did.

And his son? And his son.

Did you remain at Mr. Daniel Fripp's with the Mayor after that? I did not; I was completely exhausted at that time.

Where did you go? I went home; I got home about one o'clock; I got to bed about half-past one, and I was up at five; I was wet through, and had been during the whole evening and night; I had no refreshment, and I found I was gone; I could not proceed any further with my duty.

Where did you go in the morning? I went immediately to the Council-house; I was there, I think, between six and seven. I do not exactly remember the time I got to the Council-house, but it was very early in the morning.

Did you see the Mayor there? I did.

Could you judge, from his appearance, whether he had been in bed or not? I have no doubt he had been up all night; he looked worse than when I left him on the preceding night.

Was he still in the same dress,—silk stockings and buckles? Just the same; I felt for him very deeply at the time.

I believe the other Magistrates also assembled at the Council-house that morning, did they not? I think both the Aldermen Hilhouse were there.

Did you see Mr. Alderman Camplin there too? I saw him that morning there; I do not know who might be there particularly, when I arrived; I saw all the gentlemen you have named, but I think I saw the two Aldermen Hilhouse as soon as I arrived; they were all there during the day, at least almost all.

Were you there when Major Beckwith came to the Council-house? I did not see Major Beckwith upon his first arrival.

I believe Major Beckwith came first to the Council-house, did not he—he came first in his plain clothes, and afterwards went to put on his uniform? I do not know that.

Was he in uniform when you saw him? I do not recollect; I had never seen Major Beckwith before; and I had not any recollection as to his dress, nor have I any distinct recollection of what occurred with Major Beckwith; I had better mention to the Court, that I considered I was present at the interview between the Magistrates and Major Beckwith; but the two Magistrates who were present with Major Beckwith have no recollection of my being there.

Speak from your own recollection,—do you remember being present at any interview between the Magistrates and Major Beckwith? I think I was present.

You remained at the Council-house some time, I believe, that morning? I remained there continually; I did not go to bed the next night, and I remained there all day and all night.

You assisted the Mayor? I assisted in every thing, as far as my ability would allow me.

As you were with the Mayor all the time you have mentioned, did the Mayor, at any time, during the whole of those days, show any thing like personal fear? Never; on the contrary, he had always great self-possession, and was always ready to attend, and listen to every proposition made to him, and to give his best assistance. I was with him the whole time, with the exception of the few hours I have mentioned; it was impossible for any man to conduct himself with more propriety and firmness than the Mayor did,—utterly impossible.

Cross-examined by Mr. Attorney-General.

You were perfectly collected all the time, I presume, so as to be able to make those observations? I think I was; I have not a doubt that I was.

Perhaps, with some exception, at the Recruiting Office? I was perfectly collected then.

I thought you were all under great alarm? Oh, yes, I was under great alarm, but still I was collected in my mind—my object was, to secure myself.

You were twice, I think, in the course of the evening, at the Colonel's office? I was.

I ask you, whether about six o'clock, Colonel Brereton did not come to the office and find the Mayor and Magistrates there? I do not know—I might have gone to the Post-office at that time; I said, in my examination in chief, that I was not certain that I was there when Colonel Brereton arrived, because I was absent for a short time.

Then there may have been conversation between the Mayor and Colonel Brereton which you did not hear? Undoubtedly.

I beg to ask, however, whether you heard this,—that the Mayor assured Colonel Brereton that he did not require his presence, or, indeed, wish it to be known that he or the Magistrates were there? Never.

Never, in your hearing? Never—on the contrary, the Magistrates had sent for him.

Nor any Magistrate in his presence at the time? I never heard the words at all.

Did you hear him say that, under existing circumstances, he considered that office as a place of safety? No, I did not.

Do you remember Colonel Brereton being requested by the Mayor to place a serjeant outside the front gate? I do not, but I remember seeing a serjeant at the front gate.

Did you hear it said that the serjeant was placed there in order to give them timely notice of any approach of the mob? Witness—I think you are now speaking of the first time I went there?

Mr. Attorney-General.—Yes, I am. Witness—I did not.

Nothing of that sort passed in your hearing? Nothing.

Had not you been at home at Clifton in the course of the day? In the course of what day?

Sunday? I was at home at Clifton on Sunday evening.

At what time? After the separation from the Palace.

Not before that? Not before that.

You went home on Saturday night? I went home on Sunday morning, between five and six o'clock.

I take for granted you took some refreshment and some repose? I was very tired, and I think I went immediately to bed—and I had laid down about an hour, when I was called; the servant awoke me, and said,

"Sir, the Mayor wants you directly;" I think, as far as my memory serves me, that I dressed instantly, and went away. I have no recollection of taking any refreshment at that time—I do not swear positively that I did not, but I have no recollection of it, and I think I did not, from the exhausted state in which I afterwards found myself.

When you were at Colonel Brereton's office the first time, did you hear any thing said about getting an old coat and trowsers? Never;---that will be explained by and by.

Never mind that,—you did not hear a word about it? Not a word.

And you saw nothing of the sort come there, did you? No, I did not.

You did not hear Mr. Osborne's name mentioned, did you? I heard Mr. Osborne's name mentioned.

Was it said that a serjeant was to go to Mr. Osborne? Not at all.

Do you know whether one of the serjeants went? I do not; I know that a messenger was sent to Mr. Osborne whilst I was there,—I could tell you what for.

I want only to know, in addition to what you have stated, how long you have been acquainted with Mr. Pinney? I had no intimacy with Mr. Pinney till he entered the office of Mayor.

How long have you been acquainted with him? I have known his person for many years: I believe I have known him enough to speak to him, —if I met him, to bow to him.

You never happened to see him on horseback? I do not recollect to have seen him: I have turned it over in my mind; I am doubtful whether I did not once see him on horseback.

Are you doubtful whether you saw him riding a high horse or not? I do not know; my attention has been drawn to that since yesterday, and I have no recollection upon the subject.

Since you heard it in my learned friend's speech? Since something has occurred in this case about the Mayor's riding; I think it appears so in Major Beckwith's evidence.

Did not it excite some surprise in you? Not the least.

What was doing at the Bishop's Palace at the time you looked out of the window upon it? I do not know what was doing in the interior of the Palace; I merely saw the soldiers drawn round the Court-yard, appearing to me to encircle the door.

Did you leave the office before the mob came into the Bishop's yard? Certainly we left the office upon the report of the mob coming up: there was a previous part of the mob which I understood to be in the Palace at that time.

Had the Mayor and the Magistrates then entire possession of the office? ---at the time you left it, was there nobody else there? I believe the serjeants were there and the people belonging to the establishment: I am certain that one of them was, because he shewed us into a room.

Were there any threats uttered against the office? None.

Or against the Magistrates at that time? None.

Or against the Mayor at any time? I was not with the Magistrates all the time, and therefore I could not hear what the threats were against them by other persons, but reports were brought in frequently to the Magistrates that their lives were in danger, and that they would be murdered: that perpetually occurred.

Re-examined by Sir James Scarlett.

How many persons do you recollect to have been at Colonel Brereton's Recruiting-office at the time you mention—the last time? I am sure I cannot recollect what number of persons; I should think probably there might be eight or ten.

I asked you the question with this view—had you any such number as could have made head against any mob that was coming? Certainly not; we were totally unarmed.

Do you think, if the Mayor had marshalled you all, and you had amounted to ten, you could have faced that mob? Certainly not.

If he had taken ten of you out of the rest, would you have faced that mob? Certainly not; I would not have been one of the ten.

Mr. Serjeant LUDLOW sworn.—Examined by Sir JAMES SCARLETT.

I believe you are Town-Clerk of the Corporation of Bristol? I am.

How long have you been so? About from fifteen to twenty years,—I really cannot exactly say.

I believe by the Constitution of Bristol the Town-Clerk must be a barrister? He must be.

Has it been usual for the Town-Clerk to act as Assessor to the Mayor at the Court of Quarter Sessions? Always, in my recollection.

In that capacity in effect the prisoners are tried by you? Always.

The prisoners not tried for capital offences? Always.

Do you pass the sentence? I do.

On behalf of the Mayor? On behalf of the Court.

We understand you were at the Mansion-house in Bristol with the Magistrates, on the 29th of October, when Sir Charles Wetherell came in? Yes, I was,—I had been at the Guildhall before.

Sir JAMES SCARLETT.—I do not propose to ask Mr. Serjeant Ludlow to go over the same ground that the other witnesses have gone over, on both sides, but to take him to particular facts; I do not wish to exclude the rest. Was there any part of the day when the rioters appeared to become more exasperated and offensive? I think there was.

Do you recollect one of the constables having taken some of them prisoners, and brought them into the Mansion-house? I do.

Did any question arise then, whether they could be conducted in safety through the mob to the Gaol? Yes, there was a question agitated.

In your opinion, from the appearances you saw in the Square, could they have been conducted by the civil power to the Gaol? I thought not without considerable struggle and attempt at rescue. I had observed, when the constables attempted to take any person into custody, in the act of throwing a stone, there was always an attempt made to rescue him.

Had you observed several attempts at a rescue, when the constables were endeavouring to make prisoners? Yes.

From your observation of the disposition and the appearance of the crowd in Queen-square, did you conceive that they were disposed to favor the mob, or resist them? I did not see any attempt at resisting the mob, except by the constables who went from the Mansion-house to discharge a particular duty.

Did any debate arise about sending for the military, to aid in carrying those prisoners to the Gaol? I thought it would be a very good opportunity to show the troops, without employing them to act against the people;—that if they were employed to carry the prisoners to Gaol, it would be a very good opportunity of exhibiting them.

There was a difference of opinion upon that subject? Yes, Sir Charles Wetherell thought it desirable not to bring the troops out until the last moment.

His opinion prevailed? His opinion of course prevailed.

You recollect the fact of the Mayor going out to address the mob, and read the Riot Act? Those circumstances took place; but I cannot speak so particularly to the detail as the other persons have done.

Were you in the Mansion-house the whole time? I was.

You heard read a letter yesterday, addressed to Lord Melbourne, signed by the Mayor, giving a general account of what passed at the Mansion-house? Yes.

According to the best of your recollection, is that a faithful account of what passed? I believe I either wrote or dictated that letter myself; of course I did not knowingly state any thing untrue.

Then it is the truth? Every word of it.

Excepting the date of 11 instead of 1? Yes, that was an accidental mistake of the clerk, in copying the letter.

After Colonel Brereton had arrived with the troops, did any conversation take place between him and the Magistrates, respecting the mode of using those troops to clear the streets? Yes, certainly.

Had any of the officers or troops been brought in wounded? Not at the time that Colonel Brereton came in.

But at the time of this discussion? Yes, they had been.

State shortly what was the discussion with Colonel Brereton? Colonel Brereton had come to the Magistrates' room, at the Mansion-house, before the troops were ordered out, and he then said, he should wish to have their authority to have them brought out when necessary; and that it was necessary they should then go to their quarters; and some arrangement was made about having some note from the Mayor.

Some watchword? Yes, I was not a party to that; he then retired, and I did not see him again until after the troops were sent for, when the Mansion-house was in a state of siege.

You represent it in a state of siege? Yes, or rather in a state of assault; the door was forced open, and large pieces of wood were sweeping along the hall, and there was a hat-stand which I saw struck down by something thrown in.

Did you see Colonel Brereton when he first arrived with the troops? When I first saw him he was in the drawing-room; I had seen the troops arrive, and draw up at the door, before that.

Then you saw him in the drawing-room? Yes.

Where did you see the troops draw up? I was in the room over the drawing-room; we had been in the drawing-room, and the stones came in very fast at the window; I had been talking to Sir Charles Wetherell about the propriety of his going; he resisted it a considerable time, but I strongly urged upon him the necessity of his going, and I then retired to the room over the drawing-room, where I saw what took place without being exposed to the stones, and then I saw the troops arrive.

Did you go down immediately? Very shortly afterwards.

Then you found Colonel Brereton in the room? Yes.

With the Magistrates? Yes, the Mayor, and one or two others.

Be so good as to state what passed with respect to the troops clearing the streets, or firing, or the orders he required? I probably shall go into more length than I ought to do, if I am to make any statement. I recollect Colonel Brereton being told that the directions to him were that he was to clear the streets, and get the city quiet as soon as he could; that was the substance of the directions given. I believe I gave him the same directions in the presence of the Magistrates.

Do you remember using any expression to Colonel Brereton of this nature,—whether he had received any orders different from the Magistrates' orders? Yes; Colonel Brereton had gone into the Square, and returned; and he had stated that the mob were in very good humour, and that he should be able to get them quiet and dispersed, by merely riding the troops about.

What was the wish expressed by the Magistrates? The Magistrates wished to have as much force used as was necessary to effect the object; but they had certainly no desire to have any unnecessary force used.

Mr. Attorney-General.—What did they say? I cannot answer what they said at any particular moment, but if you will direct my attention to it I will answer it.

Sir James Scarlett.—You said that Colonel Brereton said the mob was in good humour, and that he could walk his horses about, and keep them quiet? Yes; I should think he said that at least twenty times in the course of the evening, but what particular answer he gave at any particular time I cannot tell.

Did any discussion arise about his having orders to fire? Yes; I remember, on one occasion, two soldiers of the 14th dragoons were brought in bleeding, one of them very severely,—he had a severe cut on the neck, and was bleeding very severely; a constable had been brought in a short time before, senseless, by a blow he had received upon his head, and I saw a number of stones thrown, and other acts of violence, for the whole conduct of the mob was under our eyes, as if we had been in the street; and I remember saying to Colonel Brereton, "Do you think that these are symptoms of good humour on the part of the mob? I think it will be necessary to use some greater degree of force than has hitherto been used." I do not recollect what the terms of his answer were, but I recollect saying in answer to him, "I must beg the favour of knowing whether you have any orders from the Secretary of State, or the Horse Guards, that prevent you from obeying the orders of the Magistrates?—because, if so, it will materially affect their arrangements." He said, "My directions are to obey the orders of the Magistrates."

You say he went out, and came in, several times? Yes.

Upon each occasion did he represent that, in his opinion, the mob might be subdued without violence? He did.

Now, I would bring you to a particular point,—do you recollect an officer of the light dragoons coming to state that the mob had taken refuge in some alleys, and some boats about the Quay? Yes, the market-boats.

And that his troops were molested by them—and that it being dark, he could not find them, and requesting orders to fire? Yes; I recollect an officer of the 14th dragoons coming in and saying that he was exposed to this attack, which he could not resist—that the gas had been cut off, and the place was in darkness, and he wanted authority to fire a few ball cartridges to displace the mob.

Do you remember, about that time, any constable offering, with twenty-five men, and the aid of the other military, to dislodge those men from the boats without firing? I think it was Mr. Harford, a gentleman who had acted as a special constable;—he said, "if you will let me have twenty-five men, and the military, I will undertake to go and dislodge them out of the boat." I think that was said in answer to an observation made by Mr. Alderman Daniel, to this effect, that in those market-boats, it being market evening, probably there were a great many people from Wales who had come to market, and that a great many lives might be sacrificed, and that he should not wish that to be done, unless absolutely necessary—and I think Mr. Harford then proposed what I have stated.

Then the officer of the light dragoons wishing to fire, Mr. Alderman Daniel said there were many market-boats from Wales, and many innocent persons in them, and he should be sorry if they were fired upon unless it was matter of absolute necessity—upon that being stated, Mr. Harford made that answer? Yes.

What did Colonel Brereton say? He had come in, in the intermediate time. I do not think he was in the room when the officer came in. He said, "If you will take my advice you will do no such thing; it is getting late, and the people are getting tired, and it is my belief they will soon go to their homes if you will let them alone;" and he added, either immediately, or in answer to some intermediate observation, "I will be answerable for the peace of the city during the night, if you will leave it to me." I am not certain as to the exact words, but it was to that effect.

About what time in the evening might this have been? I should think after eleven o'clock on Saturday night: I must claim a little indulgence as to the time, for I did not note the time.

Had there been repeated orders given to Colonel Brereton to clear the streets? There had been.

And to use any force that might be necessary to clear the streets? I do not know that that precise term was used, but something to that effect. I had better say at once, I do not recollect the precise words, and if I do not recollect them, I must give the substance; if I recollect them, I will give them you at once.

Did Colonel Brereton turn out to be right? Yes, he certainly did; no further complaint took place, the officer went away, and some time afterwards one of the Magistrates went out, and came back and said it was all very quiet, and after staying at the Mansion-house till near one o'clock, I went home.

As far as you can judge, looking out of the Mansion-house windows, how many persons may have been assembled—I mean the mass of the multitude, not the persons throwing stones? I should say, during some part of the evening many hundreds, and indeed some part of the evening many thousands, if you take in all those in the Square: the effect of the dragoons going about the Square was, that the people got outside of the road, and went inside the rails, or inside the courts of the houses: and I know one of the complaints made to Colonel Brereton was, that the moment the horses had passed by, the people resumed the old position, and resumed their occupation of throwing stones; but that was got rid of, and the town was in a state of quiet by half-past twelve o'clock. I went through several of the streets with Alderman Savage, in our way out of town: we live on the same side of the country, and we passed through without any interruption.

You live at Clifton? About two miles from Bristol, on the same side of the country where Alderman Savage lives.

Had you a horse in the town? Yes, I had, but I went home in Alderman Savage's carriage, and left my horse there.

What time did you return on Sunday morning? About ten o'clock, I think, intending to go to church with the Mayor, as I had promised: he said he would go at all events, and I then said I would do so too.

At that time it had been agreed that the Gaol delivery should be postponed? Yes, that was necessary, as Sir Charles Wetherell had gone out of the town.

Did you go to church with the Mayor? No, I did not.

Did you find him? I found him at the Guildhall, when I went in. I had seen a great deal before I got there: I had been to College-green, and seen the troops retreating to their quarters.

You had to pass through College-green, to get to the Guildhall? I had.

And then you saw the 14th light dragoons retreating to their quarters? Yes.

What was occurring at that time? As I was walking on the Park-street side of St. Augustine's church I saw a considerable mob of people running in the direction from Queen-square, on the opposite side of the river to which I was. I did not know what the running was about, but as I got near St. Augustine's Church the 14th dragoons trotted up to me, and I saw they were followed by a number of people throwing stones, and I crossed over to the church side of the green. I then saw the dragoons trot by me, and I saw shots fired by them, and one of the shots struck the church close by me.

You did see the 14th dragoons trotting apparently to their quarters, and the mob following them, pelting them with stones? Yes, which they continued to do notwithstanding their firing, and they followed them to their stables.

Where were their stables? At Fisher and Leigh's Repositories, just on the Park-street side of the Green, which was in the direction I was coming from.

Did they go past you? Yes.

And the mob followed them? Yes, they did.

Did you, in the way to the Mansion-house, observe any indication of the feelings of the people respecting Sir Charles Wetherell—do you remember seeing any knot of persons that you had any conversation with? That was when I was getting off my horse—the time that happened was before I got into the town. I saw four or five persons talking together; I do not know how I got into conversation with them, but they said there was murder committed in the town, and that it was by the firing of the soldiers. They said it was a great shame for Sir Charles Wetherell to be brought into the town. I said, "I do not know why you should quarrel with Sir Charles Wetherell; he has as much a right to have his opinions as you to have yours."

Was any thing said about yourself? They said, "you had better take care of yourself; you are as bad as he is." I said, "how do you know who I am?" They said, "we saw you in the Guildhall backing him up," or something of that kind.

You had been in the Guildhall with him? Yes, and I said I was there in the discharge of my duty, or that ———

You went to the Guildhall and found the Mayor there? I did.

Did you make any long stay at the Guildhall? Yes.

Did you go to church that day? I went into the Cathedral before I went to the Guildhall, and I had some conversation with some of the gentlemen in the city, and requested them to get the people together, and call meetings, and get the people out; and I saw the Bishop there, in his way to the service in the morning.

What did you find the Mayor and Aldermen engaged in, when you got to the Guildhall? I found the Mayor sitting at the head of the table, and the Magistrates sitting round him, writing letters and doing one thing and another, and soon after Colonel Brereton came in.

Just relate shortly what passed? Colonel Brereton came in and said, "I want permission to send the 14th dragoons out of the town." I started up rather intemperately, or rather with surprise, and probably made some exclamation. He said, "They have killed a man in the night; the people are so exasperated they must not stay in the town." He said, "I want the Magistrates' authority to send them away." I said, "you cannot have that authority, Sir; it is impossible."

Did any discussion arise between him and the Magistrates upon that subject? Yes, certainly, and about the horses being very much tired and the men too; and Capt. Warrington, I believe, was brought in to certify to the disabled state of the men and the horses.

Of the 14th dragoons? Yes; I understood the statement of Captain Warrington to apply to all the troops, but that was the reason assigned as to the 14th. I said to Colonel Brereton if he did that he must do it on his own single responsibility,—that the Magistrates would not divide it or share it with him,—in the strongest language I could use.

What you said was in concurrence with the Magistrates, though you spoke for them? Yes, no doubt, and Colonel Brereton was aware of it,—I had been introduced to him the day before, and I had had frequent communications with him; the Magistrates expressed themselves to the same effect upon the spot at the time, and Colonel Brereton could have no doubt that if the removal of those troops did take place it must be upon his own single responsibility.

Did he say he must remove them? He did; he used arguments; he said, "If you will believe me, the situation of the troops is such they cannot

act, they must have some rest, and the most judicious thing is to think of some quarters at no great distance from the town, where they can go and refresh themselves;" and I recollect, in the course of the discussion several places were mentioned, and during that discussion and mentioning of places, the Magistrates said, "we will not embarrass you if we cannot assist you—we will point out any place we think proper—but you must recollect we do not take any responsibility upon ourselves."

Did the Magistrates point out places? Yes, but Keynsham was not mentioned; Brislington and Redland were mentioned certainly, but not Keynsham.

Did you know at that time the Magistrates had been issuing orders to be circulated among the parishes, during Divine Service, at the Churches and so on? Yes, as soon as I came in they told me what they had been doing—they told me they had been trying to get the people together in every way that they could, and I know that some of them very shortly after that were assembled in the Guildhall, and I was called upon to go out and speak to them.

How many of them do you think were assembled? I am a very bad one to speak to numbers, but with reference to my own ideas without referring to what any body else has said, they must have been rather under than over a hundred, and when they asked me what they should do, I said "I think the best thing you can do is to go home and increase your numbers."

At the meeting, at three o'clock, was there any such number of persons assembled as in your judgment could have been of any use to the Mayor in keeping the peace? In my judgment, certainly not.

Among those assembled, did you find any disposition to act without the military? Certainly not; I found a complaint at the first meeting that the military had not been called out and fired upon the mob the night before; and the gentlemen were rather angry that the Magistrates had not acted with what they called more vigour the night before.

Was it made known by you, or any of the gentlemen, or the Magistrates, that the 14th light dragoons had been witdrawn? Certainly not, at that time.

Did you think it safe to promulgate it at that time? I did not, for one; I should have been very sorry for the population of Bristol to have been informed that the Magistrates were left without the full defence of the troops—that was my impression at the time; I might have been wrong.

Did any Magistrate in your hearing communicate it? Not in my hearing, at that time—not until an application was made about the Bridewell, ——

Mr. Justice J. Parke.—Stop a moment.

Sir James Scarlett.—Will you have the goodness to confine yourself to one particular time,—let me take the place that you sometimes do here? (The Witness.)—I know I am a very bad witness—I always said I should be—but this is my first appearance.

Sir James Scarlett.—This is your first appearance in that character—you say you addressed the other persons, and said, "Well, gentlemen, the best thing you can do is to go back to your different parishes, and bring as many of your neighbours as you can, at three o'clock?" Yes, I did.

Did you remain at the Guildhall with the Magistrates? I might have gone out ten minutes, or a quarter of an hour—but I was there substantially all the day; I was not out more than five or ten minutes at a time at the most.

We have heard of the great door of the Guildhall being closed; was it usual to have those doors open except when the Magistrates were there upon the usual business? I cannot speak to that; I have only been in the habit of being there when upon duty, but I know there is a side door where people usually enter when the great doors are not open—and even when they are, people often go to the stairs of the Guildhall Chamber.

Is it an entrance that is known? I always go that way at the Sessions, and I always find a great number of people going that way too.

Between the time that you had stated to the gentlemen your wish that they should assemble at three o'clock, did any intelligence come about the Bridewell? Certainly—I think while I was talking to them in the outer hall, some intelligence was brought that the mob were proceeding to the Bridewell; I heard some stones or blows against the door of the Guildhall, as the mob were said to be going by.

About what time was that? I cannot fix the time,---I should think about one o'clock.

Was that the time put by mistake as eleven? Yes, that was the time.

Do you recollect the circumstance of the Mayor going with Mr. Burges to retire for half an hour? I did not; I know he was absent for a short time; I did not know that he was gone to the White Lion; I do not mean to say that he was concealed, by my not knowing where he was, but I did not know that he was gone to the White Lion.

After the communication was brought respecting the Bridewell, was Colonel Brereton there in the Court? He was there upon the second meeting at the Guildhall at half-past three; I do not recollect Col. Brereton being there at the time the first meeting was held.

After the intelligence came that the mob were going to the Bridewell, do you remember any proposition made to Colonel Brereton to send troops there? Yes, I do; that was when the citizens were assembled the second time.

That was at three o'clock? Yes.

Had the mob effected their object? I do not know that—I know when the application came to us about Bridewell, we had not a particle of force we could get there with—that I know perfectly well.

I want to come to that subject—what proposition was made about troops to Colonel Brereton, as to Bridewell? The proposition to Colonel Brereton, about the Bridewell, according to the best of my recollection, was, upon some observation being made by some of the persons, whether they were to have the troops or not,—some attempt was made to get the people to go to the Bridewell—something was said to me, or somebody, about going to the Bridewell; the Bridewell was under attack at this time, and at this time, when we were endeavouring to keep the people in good humour, Mr. Cooke said, "Are we to have the assistance of the military?"

I shall come to that in due time; was any thing said to Colonel Brereton about furnishing him with other horses? My difficulty is from not knowing the precise time.

Never mind the time, we will stick to the subject; was any suggestion made to him about horses? I do not recollect the time when that was said to him, about sending for horses.

Do you recollect any proposition made to him, as to obtaining fresh horses? Yes, several times in the course of the day, but I cannot recollect the time.

We will forget the time; there was a proposition made to get him fresh horses, several times? Yes.

What did he say? One time he said, it was of no use to think of putting dragoons upon untrained horses.

Was any proposition made to him, if his horses were fatigued, to go with dismounted troops? Yes, that was the very proposition I made to him; knowing that they would be more useful at the Bridewell, I said, "If the horses are tired, you can surely let us have the troops."

Was that made as to the Bridewell? Yes, it was.

What answer did he make? I do not recollect the exact words, but the substance was a refusal.

How many gentlemen, to the best of your observation, attended at this proposed meeting, at three o'clock, when they were to bring greater numbers? I know different people have said different numbers; there may have been more or fewer; there may have been 70 or 80, I should say 30 or 40; they were not, certainly, filling the area of the hall; what number there may have been in the passage I do not know; but, as far as a bird's eye view enabled one to speak of the hall, I should say, nothing like a hundred; but I may be very wrong.

Was there any discussion with Colonel Brereton about sending back for the 14th light dragoons? There was.

What was it? That occurred upon what I have just introduced; some of the people were asking for one thing, and some for another, and I gave the best answer I could; and at last Mr. Cooke said, "Sir, I want to know, are we to have the assistance of the troops? because, if we are, I am very willing to do any thing to assist; if not, I and my sons will go home, and have no more to do with it," or words to that effect; and, I think he mentioned something of his experience of Bristol mobs, upon former occasions, as a reason for what he was then saying.

Was Colonel Brereton there about that time? I do not think he was, at that time; he came there about that time, or very soon afterwards.

Did the Magistrates receive him in a private room? I do not recollect that; I was in the hall, and if he went into the Magistrates, in their private room, it must have been when I was in the hall.

Did you hear any discussion between Colonel Brereton and the Magistrates in the hall, as to bringing back the 14th light dragoons? I did, and took a part in it myself.

Was he desired to bring them back? Yes, he was, in the strongest words I could make use of at the time; I think I said, "I demand and require you, on the part of the Magistrates of Bristol, that you will immediately bring all your troops into immediate service; bring the 14th, as well as the others;" or something to that effect.

Did he refuse? He said their lives would be sacrificed. I certainly did ask, I do not recollect in what terms, but I did ask him a question, rather implying that that was not the answer I expected to have from an officer in the army; he said, "Soldiers' lives are not to be sacrificed, any more than any other persons' lives, unnecessarily."

And I believe he added, "I will sacrifice my own, and theirs too, if the occasion calls for it?" Not at that time; I said, "God forbid that they should, but the Secretary of State, or the Government, have sent you down for the protection of the citizens of Bristol, and I think they have a right to have your services."

Was this said in the presence of the gentlemen in the hall? Yes, in the presence of many gentlemen attending, no doubt; I think Colonel Brereton added, about that time, the words, you were going to say, "That he should not mind risking his own life to do any good;" and I now think he was sincere in it; I had my doubts at that time, but I shonld not do him justice if I did not say so. Many people said he was a traitor or a coward; and at that time I was inclined to yield a little to that opinion, but I think that opinion did him injustice. I think he intended to act properly, and meant honestly; I think it due to his memory to say so; I think he intended to gain time, and thought he should be better able to cope with the mob when reinforced.

Did the gentlemen who were there attending, or any of them, shew any disposition to act without the military coming forward to assist them? I should say, not the slightest; some of them said, "Is all the mercy to be shewn to the mob?" Some of them said, "We are to be sacrificed if we cannot have the troops;" some of them said one thing, and some another, and they were going away, and I then said, what Mr. Reynolds stated the other day, "I hope some of you will stay by the Magistrates!" There were only two or three left, and there were threats communicated to us that the mob were coming to the Guildhall.

Were there any constables who had been sworn in near the Guildhall? Yes, I saw some of them, and spoke to them, and some of them said, they had had hard work the day before, but they did not seem inclined to stay, though many of them were respectable men, with whom I had that communication.

Did those transactions you have given an account of, last some time after three o'clock? They lasted some time, but I do not know the time.

Did any of the gentlemen appear disposed to stay when you exhorted them to stay? Most of them went away—I think Mr. Reynolds said, there was only two or three left, and I think he was right; there was almost a clearance of the hall. I then asked a military friend of mine, where would be the best place for the Magistrates to make a stand, in the Guildhall or the Council-house. I expected every moment that they would be attacked; and he said, "Certainly, the Council-house, for you have a double front there."

That gentleman was Captain Cooke? It was.

Was it in consequence of that, the proposition was made to adjourn to the Council-house? Yes; and I said, "if the soldiers leave us, do not let us desert each other; if there is an attack made on the Council-house let us stand by each other as long as we can;"—and there we took up, what military men call a position.

Do you remember using the expression "It is high time to take care of ourselves?" I do not recollect using it, but I have no doubt that I did use it, as Mr. Roberts has stated it, who is a respectable man; but I used it meaning thereby that it would be best to determine upon a local spot at which the Magistrates could best make a stand, and that, as Mr. Roberts tells me, was the impression upon his mind of the meaning, and that it was communicated by him to the gentlemen who took his examination.

Mr. Attorney-General.—That is a very irregular statement.

(Witness.)—I do not know that is irregular.

Mr. Attorney-General.—Then I must appeal to the Court.

Mr. Justice J. Parke.—It is very irregular. (Witness.)—I am very sorry.

Sir James Scarlett.—Did the Magistrates go to the Council-house? Yes, they did, and I went with them.

Was the whole party of the Magistrates assembled? I cannot say that every individual Magistrate was there, but they were in and out.

Did you adjourn there upon an idea that an attack would be made upon the Council-house? Yes.

The muniments of the Corporation are kept there? Yes.

Were directions given to secure them? Yes; I do not know whether it was at that time, but there were in the course of the afternoon, and I saw the Chamberlain engaged in getting them away.

Making all allowances for the impossibility of being perfect as to time, I would still ask, to the best of your belief at what time might it be that you retired to the Council-house? I should think four o'clock would be nearer than any other hour,—from three to four.

Was the Mayor with you? Yes, certainly.

Do you recollect after you had been some time at the Council-house any rumour coming of the mob intending to attack the ships in the Quays? Yes; but before that took place, I recollect at the Guildhall intelligence coming, that the mob were coming to attack the Gaol. I do not know much about it, but the little I do know is quite at your service.

A rumour came about the Gaol? Yes.

Did any of the Magistrates go? Yes, Mr. Alderman Abraham Hilhouse and Mr. Alderman Savage.

Mr. Justice Littledale.—That has already been proved,—is it necessary to prove it again?

Sir JAMES SCARLETT.—I do not know that it is. When the news came about the Gaol, had you any means in your judgment of effectually protecting the Gaol? No; Mr. Alderman Hilhouse and Mr. Alderman Savage went to see what they could do.

How many went with them? I cannot say.

Did any go? Yes; but a very few out of the place where we were.

You did not go towards the Gaol? No, I did not.

After you were gone to the Council-house, did some rumour come of the mob going to fire the ships in the Quays? Yes, persons came in with different communications all day long.

I only asked about one; do you recollect Mr. Alderman Fripp and Mr. Alderman Daniel going out to go to Colonel Brereton's? I do not recollect that myself.

Do you recollect you and the Mayor going? Yes, I do.

For what purpose did you go to Colonel Brereton's? That I cannot tell you very well, but it was in consequence of that communication that the people were going to fire the ships in the Docks,—we were going down to see what Colonel Brereton could say or do for us.

When you went with the Mayor to Colonel Brereton's, did any body go with you? I have no recollection of any other person.

Whom did you find at the house—did you find Mr. Alderman Fripp there? Mr. Alderman Fripp was certainly there.

And Mr. Alderman Daniel? I think I heard that Mr. Alderman Daniel was gone to Mr. Osborne's.

Was it raining at that time? I was perfectly wet through.

That is an indirect answer to the question,---you might have been wet through from other causes? I was quite wet through from a very heavy rain.

Was the Mayor wet through? He was very wet also.

Did you find Mr. Burges there? We were wet through, having no umbrellas—we had heard that umbrellas were not allowed to be carried—we heard that any person who had an umbrella, had it taken from him, or was knocked down.

Did you find Mr. Burges there? I do not think he was there when I first went in.

Do you recollect the circumstance of a letter being written to Lord Melbourne? I recollect the circumstance of a letter being written, but I do not know any thing about it—I wrote a note myself, which the Serjeant has spoken of.

Never mind that, did you commit the great offence of sending for a great coat and pantaloons? Yes, I did.

Did you send for it to wrap up the Mayor in? I thought of myself, and not the Mayor, at that time—but I beg to say, that I did not do it to conceal myself, but to get dry clothes for wet ones.

Was Mr. Osborne's close by? Yes, but before the man came back, I altered my mind, and went to Mr. Osborne's, and put on dry clothes and stockings there.

You left the Mayor and Magistrates at Colonel Brereton's? Yes; and at Mr. Osborne's I found Mr. Alderman Daniel, where I had a mutton chop, and a glass of wine and water.

I am very glad you had that refreshment—but did you go back to Colonel Brereton's? Yes.

Did you find the Mayor there? Yes; I went back with Mr. Alderman Daniel, and there we found the Mayor, and some other Magistrates, who had in the mean time arrived.

How long did you stay? We staid there some time—I do not know how long I am sure.

Did you go away together? Yes, I went with the Mayor to the Council-house.

During all the time you were there with the Mayor, during all the first time, and the time you were there upon your return from Mr. Osborne's, was there any expression of personal fear used by any body, or any inquiry as to any means of escaping, made from the Serjeant? Not to my knowledge, certainly.

Or was there the least personal fear, or cause of personal fear, at that time, at that particular spot? No; the mob were understood at that time to be at Lawford's Gate, in the county of Gloucester.

Bristol was, at that time, relieved from them? Yes, it was.

You returned with the Mayor to the Council-house? I did; I think before I went, something was said about the Bishop's Palace, and Colonel Brereton said he should order the troops off there.

Do you know why that was? No, I do not; I was in two different rooms at Colonel Brereton's; I mention that, to account for any thing being said while I was away; I recollect Colonel Brereton said "we must not rest any longer—we must turn the troops out, and see what we can do."

Meaning the 3rd dragoon guards? Yes.

When you got back to the Council-house, did you hear any further report of the Bishop's Palace being attacked? No, not at that time I think, but some time afterwards.

Were you aware that Alderman Camplin went with a party to the Palace? No, I was not, although now I know he did go.

Are you aware that the Mayor went? Yes, I did.

Did you accompany him? Yes I did, to the archway.

You set out with him; I have not got half-way to the archway, and we shall get there sooner if we measure our steps; how many people accompanied the Mayor? I should say not exceeding twenty-five.

In your progress there, was application made to the persons you met to join the party? Yes, I spoke to several persons certainly.

Was the Mayor with you? Yes, I was arm in arm with him: there was a cry for the Mayor to go; he was in my room, and he said to me, "What shall I do about this?" I said, "Mr. Mayor, as the people wish you to go, you had better go." He said, "very well, I will;" and he said, "will you go with me?" I said, "certainly."

Did you see Mr. Burges? Yes, and I said, "come, gentlemen, you must all go with us."

You asked several persons to join you on your way,---did you get any one? No, certainly not: I recollect meeting some persons in Broad-street, and I said to them, "the Mayor of Bristol is going to the Palace, to render assistance, and he requires your attendance and assistance?"

Would they join you? Not one.

Do you remember, as you approached, seeing Mr. Bulwer, a clergyman? I do.

Was that before you got to the Palace? It was before we got to College-green.

He joined you? Yes, he came up with us at the head of a few persons who were with him.

Was it still raining? I think it was.

Did you observe, at the time you got to the archway, whether your little band of twenty-five had been diminished? Yes, it certainly had: Mr. Bulwer and some of them had gone a little in advance; others had certainly gone in a different direction.

When you arrived at the archway, that was the proper place to enter the Palace yard? Yes.

What did you hear when you got there? What I heard was, some person came in front of us and said, "you cannot go there, the soldiers have closed up the passage, and have got the rioters in custody."

In consequence of that, was a proposition made to go close by to Colonel Brereton's? I still thought we ought rather to go on, and the Mayor was inclined to do so, but we met Mr. Alderman Savage, and he said, "you cannot go that way; the soldiers have surrounded the mob, and you cannot go on." Then the Mayor said, "I think we had better go to Colonel Brereton's."

Did you, and the Mayor, and Mr. Burges, go to Colonel Brereton's? Yes, certainly.

Was that report confirmed there, that the military had got possession? I think Lieutenant Francis, who was Colonel Brereton's subordinate officer, said, "the soldiers have got the men in custody, and you can see them out of the back window," which was close by.

Did you go into the back room to look at them? Certainly.

Did you see the soldiers? We found ourselves close upon them, with only the glass between us.

How long do you think the parties staid? Not many minutes: I should say we heard the two parties, and saw that the soldiers were drawn up all round, and in a moment the soldiers vanished, and just at the same time some man came running in, and said, "the great division of the mob is coming up from Lawford's-gate."

Was that followed by any shouts from the mob? I cannot say that I heard the shouts at the moment, but I remember thinking and saying, "this is the very worst place we can be in, between two divisions of the mob---this is the worst place to stay in; we had better go somewhere else."

Did the soldiers pass by in the mean time? Not at the back of the house: I saw the tails of the horses as they passed by the front.

They having abandoned the Palace, you heard that the other mob were coming up, and you thought you were between the two? Yes.

In your opinion was that a safe place for the Magistrates to stay in? A very unsafe place.

Did you make your escape? I cannot answer that question exactly in those terms; I would rather state the way in which we went out. I had been in different rooms in the house, sometimes with the Mayor, and sometimes not with the Mayor, and at the time the statement came of the mob coming, it was the feeling of every one not to stay there. I do not know at what time the Mayor went; I believe he went before I did. Mr. Burges was the first person I saw when I got out, and I then certainly heard great shouts in the direction of Lawford's-gate, and, upon looking round, I saw the mob coming from Lawford's-gate, and some of them near us, quite close.

Had any one received any contusion at that time? Not that I know of: I saw a gentleman almost immediately afterwards, a Mr. Franklyn, with his mouth bleeding. After I came out at the front door, I saw some of the first people had passed us, and others were coming up very fast.

Did you see Mr. Franklyn, who had his face bleeding? I thought the safest way was to walk across the Green quietly, which I did, and when I got across I saw two gentlemen, who said, "here we are, deserted a second time by the troops, and we have made up our minds to go home and go to bed, let what will come to the city;" and shortly after that I saw Mr. Franklyn, who had had a blow upon his mouth, and some of his teeth struck out, in endeavouring to make his escape. I mentioned that I walked across College-green, to shew the time occupied was not any more than the time necessary to walk from Colonel Brereton's office, and then I got to the other side, where I saw those two gentlemen.

Was Mr. Franklyn a gentleman who had been acting as a special conble? Yes, and now he is one of the sheriffs of the city.

Had he also come from the Palace? Yes, but the precise time of my seeing him I cannot recollect.

Were any of his teeth knocked out? Yes, as he stated.

We have heard, from Mr. Burges, that you and he went first to his house, and then to Clifton. Yes.

Had you received accounts that your own family were in danger? I had, and had written a letter to my family, in Colonel Brereton's office, in consequence of what I had heard; I did not know that it was any part of their intention to attack me; I did not believe that I was obnoxious to them; but I had heard that that was their intention; I wrote a note, and sent it to Fisher's; he went over, in order that my family might be ready to be removed; my horse was at the top of Park-street, but I could not get him; I then went to the Hotel, at Clifton, and procured beds for my family; when I got home, I found that my family had received intimations to the same effect as I had, but they did not leave the house.

How long was it before you returned to Bristol? I could not have been more than an hour occupied in that;—the top of Park-street is very near Clifton, and I went to the Hotel, at Clifton, and having been there a very short time, I went back directly to Bristol.

I do not wish to repeat, and their Lordships will not require you to repeat, many of the facts which have been already proved? I will endeavour to answer your questions precisely..

Did you go to Mr. Fripp's, with Mr. Burges, in the course of the night? Yes, I did, before 12 o'clock, having heard the Dodington troop was come into the town.

Are you sure it was before 12 o'clock? Yes, I know it from a particular reason; I know, at Mr. Daniel Fripp's, before the note was sealed, somebody looked at his watch to ascertain the time, and the time was put in the note.

Did you there find the Mayor and Mr. Alderman Fripp, sitting up? I did not see Mr. Alderman Fripp; I understood he was lying down on the bed; I saw Mr. Daniel Fripp and the Mayor.

Did you stay there long? About a quarter of an hour, and during that time Mr. Brice came in, as stated by Mr. Burges.

Did you see Mr. Alderman Fripp come down? It may seem extraordinary, but I really do not recollect.

Where did you go to from Berkeley-square? I went home to my own house.

What time did you return? I do not think I got into Bristol, on Monday morning, until half-past 9 or 10 o'clock; so that I was not at the Council-house when Major Beckwith arrived; that was a misapprehension on his part; he did not say positively that I was there, but he mistook me, I suppose, for somebody else; it was when he was on the eve of setting out with his troop that I came, and I did not write that paper certainly; I understood he had a written order, and was going off.

A written order from the Magistrates? Yes, somebody asked me if it was proper, and I said, yes.

Allow me to ask you, from the first time you saw the Mayor, on Saturday, during the whole of the time you witnessed his conduct, did he exhibit to you any marks of personal fear, or want of alacrity and readiness to do his duty? I think the Mayor, during the whole of the time, shewed the most earnest desire to do his duty to the best of his ability; and that he never balanced his personal safety, for one moment, against it; he never took into consideration, for a moment, what might happen to him, if he was in the performance of his duty; I informed him, as well as I could, and he paid every attention to it. I think he would have gone any where if I had told him it was his duty to do so.

There is one question which I must ask you; it has been stated that you said to some of the gentlemen in the Guildhall, that the Magistrates had not acted altogether under your advice? I may have said it; I dare say I did, if any gentleman says he heard me say so; I have no recollection of it; but a great many applications were made to me, and I may have been called upon to say why the troops were not called out, and I may have said there

were more Magistrates than one, and they may not have agreed together, because I do recollect feeling that the troops should have been called out, for the purpose I have already stated.

Was there any particular to which you could have alluded, except what you have first mentioned, that the troops were not called out so soon as you wished? I had a strong impression upon my own mind, that if the soldiers had been called out to take the prisoners down to the Gaol, and the people had seen there was force enough for the Magistrates to do what they intended, and the constables had not had to endure those conflicts with the mob, that the riot would have been put down; and I may have alluded to that when I made the observation.

You have stated that Sir Charles Wetherell differed from you upon that subject? Yes.

Is there any other particular upon which the Mayor declined to act under your advice? Not any whatever. When the Mayor asked me what he was to do in the situation he was placed in, I gave him the best information I could, and I firmly believe he would have done what I recommended,—if he did anything wrong during the day, I think I am more to blame for it than the Mayor himself.

From what you saw of the disposition of the people of Bristol, from the commencement of that unfortunate Saturday to the termination on the Monday, do you believe, in your judgment, that the Mayor could have prevailed, by any means, upon the population of Bristol to aid him in suppressing the riot, short of having the military to assist them? I do not;—it was my firm belief at the time, and it is my opinion now, that it was quite impossible for him to have done so.

Do you happen to know, of your own knowledge, whether orders were given to the livery stable-keepers at the Repositories, to provide accommodation for any troops that might arrive? Not of my own knowledge, I heard it said at the time.

Cross-examined by Mr. Attorney-General.

My learned friend has put a question to you; I should wish you to repeat whether you said you had given your advice to the Magistrates the night before, and that it had not been acted upon? I cannot give you any other answer than I have already given; I may have said so, and I dare say I did say so, but I have no particular recollection of it.

Did you say you had recommended the posse comitatus to be called out the night before, and you did not know why it was not done? Yes, I did say so as to the Saturday evening; but it was said to the Sheriffs and not to the Magistrates; I said, "That belongs to the Sheriffs; do not hang that upon the Magistrates;" when Mr. Taunton said to me, on the Sunday morning, that they ought to be called out, I said, "I think so too, and I said so last night."

Do you recollect any advice you gave the Magistrates they did not follow, except not sending the troops with the prisoners? Yes, there was another thing as to Sir Charles Wetherell's withdrawing from the town; I was of opinion, that if his carriage had been drawn up to the door, and the troops had been drawn out to surround it, the populace would have known it, and the hand bills would have been unnecessary. Some one said, "Where is Sir Charles Weiherell?" some one said he was gone, others said he was not; I thought he was gone, because I had advised him to go; I said, "For God's sake let me advise you to go," and I have not the slightest doubt he wonld have been murdered, if he had stayed.

If you had said you had given any advice which had not been followed, it alluded to those two circumstances? Yes, certainly; I am not aware of any thing else; if you will lead me to any thing I will answer you.

I do not know any thing ; it is not for me to lead you? If you will try I should be glad, for I should be sorry to leave the box with any mistaken impression on the part of any one.

You will never leave the box if you will give such long explanations.

Mr. Justice J. PARKE.—Was there any thing else? I may have said something about the Magistrates, and I did not think that the military ——

Mr. ATTORNEY-GENERAL.—You are not to give opinions. (Witness)---Ask me any question.

I cannot—you will not let me? (Witness.)---Put any question without an observation, and I will answer it.

It has been stated that you told the people that Colonel Brereton had given reasons that you thought satisfactory for withdrawing the troops ; is that true? I will not say it is true, or not; I do not say I did not say so, but I do not recollect it; it is very likely I did say so,---I think I did to that effect.

If you did, what was the reason he gave that appeared to you satisfactory? The only reason I recollect, was this : "the men are jaded, their horses are jaded, the men are very much tired—and, besides that, they have so exasperated the people by firing upon the mob, and killing a man, their lives would not be safe." I said, "I thought those troops would have been sufficient to have done any thing required of them" ; he said, "you may rely upon it they are not"; he said, "all we can do, is to temporize and keep the mob in good humour until the reinforcements come."

Was it some time before that he had told you he would not have the soldiers lives sacrificed? I suppose it must have been before that—it must have been.

In answer to that, did you say to him that you were surprised to hear that from him, that you did not think it a soldier's reason? To that effect.

In those words? I think I said—"Good God! is that a soldier's reason?"

And then, I think, I have understood that he said he saw no reason why soldiers' lives should be sacrificed unnecessarily? Yes; to which I said, "I think so too—but you are sent for the protection of the inhabitants, and they are entitled to your assistance."

Did you call it assistance for the troops to be sacrificed while the civil power staid at home? I do not know what you call it—I state the facts, and others must put their constructions upon them, and I have no objection to hear yours—perhaps I might have said "protection,"---probably it was.

I think I understood from you there was some difficulty on your part in letting any persons that assembled know that the 14th dragoons were gone? It was rather my wish to keep the fact in the back-ground.

To deceive them? I will not adopt that word from any man in England —I had no intention to deceive any man.

Mr. Justice TAUNTON, (to the Attorney-General.)—A construction may be put upon the answer of an invidious character, which leads into those explanations to which you have objected.

Mr. ATTORNEY-GENERAL.—Perhaps there may—but I want to know whether Mr. Cooke, at the time he said he and his sons would not go out unless the military did, were they kept in ignorance that they were not there to go out? I do not know what you mean by being kept in ignorance —I had not mentioned it.

He did not know it? I did not tell him.

On the contrary? I do not know that he did not know it—I did not think it discreet to state it—Mr. Cooke would have known it, if he had stopped a little longer.

He had no opportunity of knowing it then? I do not know that he had, but Colonel Brereton came in a little time afterwards, and stated it.

You have used the expression, that several persons there wished there had been more vigour the night before? Yes.

You mentioned something about firing—did any person say that by vigour they meant firing? I have not said that, but somebody said something about firing upon the people. I think some observation of that sort was made, that if the people had been fired upon on Saturday night, there would have been no rioting on the Sunday, but you must allow me to say a single word---I cannot speak to the precise expressions.

Mr. Attorney-General.—It stands now that the word 'firing' was used.

Mr. Justice J. Parke.—It stands now, that some of the persons were angry that the people had not been fired upon.

Mr. Justice Taunton.—And that they were angry that more vigour had not been used? Yes, and some gentlemen said, "why was not more vigour used last night?"---and another said, "why were they not fired upon last night?" I will not mention names, but that was the substance of what they said.

Mr. Attorney-General.—You will not say that the word 'firing' was used? I cannot.

With regard to the clothes, I understand you to say, you went to Mr. Osborne's, to put on the dry things? I did, and dressed at his house.

Did you come back, in the dry things, to the office? Yes.

You got them wet again? Yes, in the course of the evening.

How long do you think you were absent? Just long enough to put myself in dry clothes, eat two mutton chops, and drink a glass of wine and water.

Allow me to ask you, whom did you leave at the office when you went away? I think the Mayor and Mr. Alderman Fripp were there; whether any other persons, or what other persons, I cannot say---I think Mr. Alderman Goldney.

When you came back you found them there still? I did.

Was not there a public meeting held at the Commercial-Rooms, on the 3rd of November, upon the subject of this matter? There were one or two held in the course of the week.

The day before the statement was written out and composed? I did not attend any public meeting at the Commercial Rooms, nor do I know of it, except having heard it.

Did you hear it from the Mayor? No, I think not; I heard it generally.

Do you know that the property in Queen-square was the property of the Corporation? I believe it is so.

Is it a ground-rent? I do not know.

Mr. Attorney-General.—Mr. Burges can tell us. Did the Corporation make any claim for compensation?

Mr. Burges.—They have brought an action against the Hundred, as reversioners, for their interest: the leases are granted out for forty years, with covenants for renewal in some instances; in other instances they are granted for terms absolute.

Mr. Justice J. Parke.—One of the Jury wishes to know, from Mr. Serjeant Ludlow, whether he is professionally engaged in the defence of the Magistrates? I cannot answer that with a simple Yes or No. I had a brief sent to me some time ago, and I sent word to say that, before I connected myself with the cause, I should wish to know whether I was to be a witness, as I could not appear in both characters. I came to town, and placed myself in the hands of Sir James Scarlett, Mr. Campbell, and Mr. Follett; and I have done what they advised me to do, and I am quite sure I have done what is right.

Mr. Justice Littledale.—Do you remember when there was a conversation about the Mayor going to the Palace, whether he came down stairs and went back again? I have been turning that in my recollection, and I think when we came down stairs, Mr. Alderman Savage was in the house, and the Mayor said, "had we not better have Mr. Alderman Savage with

us?"---and we went back a few steps to enquire for him, but he had gone down, in the meantime, the Chamberlain's stairs, and was gone. I am quite sure there was not more than the delay of a minute or two between our going back again and going out of the house.

Major DIGBY MACKWORTH sworn.—Examined by Mr. CAMPBELL.

I believe you are a Major in the army, and Aide-de-Camp to Lord Hill? I am.

How long have you been upon the staff of Lord Hill? Twenty years: not during the whole time, but from the first of my going on Lord Hill's staff. I have been in India since.

Did you happen to be at Bristol on the 30th of October? I was on the 29th.

I believe you had been sent down into the Forest of Dean, to suppress some riots there? I had.

Did you come to Queen-square in the course of the Saturday evening? I did.

What was the state of Queen-square at that time---about what time did you come? I came first about one o'clock, and afterwards about seven.

What was the state of Queen-square about seven o'clock? A very large assemblage of people, but not much rioting at that moment.

Did you find that any assault had been made upon the Mansion-house? I did.

Did you observe any windows broken? I did.

Did you observe the iron railings in front torn up? I did.

Did you observe whether the curb-stones were still upon some of the iron railings that had been torn up? They were in most instances.

What was doing with these railings at that time? Nothing was doing with them.

When did you see them? They were moved from their situation, and in an irregular manner, partly across the pavement.

Did you go into the Mansion-house? I did.

How long did you remain in the Mansion-house? From seven till a little after one, occasionally going out amongst the people.

Did you hear any orders given, or did you give any orders yourself to Colonel Brereton? I heard them given, and I gave them myself.

To do what? To use his utmost force to put down the riot.

By whom were they given? By the Mayor.

What answer was made by Colonel Brereton? He said he thought it might be done by less violent means---that the mob seemed better humoured than they were; and on one occasion, when the Mayor gave the order very strongly, he said, "Am I to fire, Sir?" The Mayor paused before he gave his answer, which was "You must fire if the riot cannot be suppressed without it," or words as nearly to that effect as possible. I then begged the Mayor and Colonel Brereton on no account to fire, and gave my reasons.

What were the reasons you gave? That firing was a bad mode for cavalry to act, and that shots which were designed for active rioters would often reach innocent people, and that I was convinced, by the combined effort of the civil and military force, the people might be dispersed in a few minutes.

Did you propose to do any thing with the constables? I did: I said that hitherto the constables had only acted, as far as I saw, in a desultory manner, and that if the Mayor would be good enough to give his assistance, as I was a stranger, I thought an efficient organization might be given to them which would answer the purpose.

Did the Mayor agree to that? The Mayor agreed to that immediately.

Did you divide the constables into detachments? Yes, I did, into four, and placed a chief constable in the immediate command of each.

Did the Mayor and the Magistrates co-operate with you in giving these orders? The Mayor went with me into the Banquetting-room, where the whole of the constables were required to collect, and where the four wards were formed into four bodies. The Mayor spoke to them, and I gave them a few short directions, which were, to keep together---to obey no order except from their own immediate chief, and on no account to quit their ranks till they were relieved or desired to go.

From the time you went to the Mansion-house, about seven, till you left, are you aware of any thing that the Mayor and Magistrates could have done more than they did to restore the peace of the city? Nothing that I am aware of.

Now, as nearly as you can recollect, at what time did you leave the Mansion-house? I think half-past one.

Was the Square in quiet? Perfectly.

Did you return to your lodgings? Yes, I did, to a friend's house at Clifton.

Did you return to the Mansion-house the next morning? Yes, I did.

About what hour? I should think about seven.

Did you enter the Mansion-house? I did.

Did you see the Mayor? I did.

And the other Magistrates? I did not know them: I saw other persons there, but I did not know them.

What was the state of the Square at that time? There was a party of the dragoons, about six of them, and about fifty or sixty people round the door.

You think not more than fifty or sixty at that time? Not more at that time.

Were they quiet at that time? Yes, tolerably quiet.

Did you recommend any thing with respect to the dragoons? Nothing.

Did the dragoons continue there for a considerable time? Yes.

How long? Probably for an hour or two.

Did they then withdraw? Yes, they did withdraw: I did not know it, but I knew it from what transpired.

Did the mob increase? Very much.

Had any precautions been taken to barricade the windows of the Mansion-house? They had been boarded up.

During the night? During the night, I suppose.

What number of persons do you suppose were in the Mansion-house at that time? Certainly less than ten.

Did the mob proceed, by and by, to attack the Mansion-house? Yes, they did.

At what time? I suppose about half-past eight, but I had no watch with me, or any means of ascertaning the time.

How did they attack it? By a violent assault of stones, and iron rails and posts rolled in, and they broke down the wooden fastenings and the wooden shutter that had been put up.

They assaulted the Mansion-house with stones and the iron rails? Yes.

Had the Mayor had any protection? None.

Did they force an entrance into the lower rooms of the Mansion-house? Yes, they did.

In considerable numbers? I cannot tell that.

Did you see whether, from the window, there were any considerable number of persons in the Square? Yes, I saw a great many.

Was there a great deal of shouting? Yes, a great deal.

Had the dragoons withdrawn before that time? I know since that they had.

At that time were the mob rapidly increasing? Their noise was rapidly increasing certainly.

Did it appear to you that the life of the Mayor was then in danger? Yes, undoubtedly.

You have no doubt about it now? None.

Did you give the Mayor any advice? I did.

What was it? I said to him "Now, Sir, it is time for us to be going," or words to that effect.

What said the Mayor? "I do not know,---I think I ought to stay here."

What did you say to that? I said, as a soldier I could assure him it was right for him to go---"it is even your duty."

Upon that did he agree to leave the Mansion-house? He did: I had previously asked whether there was a back way of escape, when the riot increased.

Did he upon that, or any other occasion, shew any want of personal courage? Never.

Was he cool, collected, and firm? As cool as ever I saw any man, and I may add, perhaps not untruly, the most cool of the party.

And you accompanied him in escaping from the Mansion-house? I did.

Were you always together? Yes, always.

State how you did escape? We were standing on the landing place, at the first story, and went up towards the bed-rooms, but on the landing-place, half up the stair-case, there was a window looking on the leads of the Custom-house, and out of which we got upon the leads.

From the leads? From the leads we descended into an open court.

Belonging to Mr. Leman's premises? I cannot speak to that.

But the open court of an adjoining house? No; I think it belonged to the Mansion-house.

From the open court how did you go? A ladder was brought, and we got over a low wall into another court, and that I take to be the court of the adjoining house, but I cannot speak to that.

How did you get the ladder? Some person brought it; I did not know him.

Were there any women there? None that I saw; certainly none.

You say there were no women there? No, none, not at the part where we were.

I mean when you and the Mayor were escaping---were you ever in any room with women, or did any women assist? I never saw any the whole time.

Was the Mayor close by the whole time? He was close by me; I assisted him up the ladder; he went up the ladder before me, and I assisted him up.

From the second court whence did you proceed? We went to the leads of the house of which that was a court: we went into the house, and got upon the leads, and from thence over the leads of several houses, between the double roofs, and at last reached what they told me was the Custom-house, and there was one of the party kicked a pane of glass out, with a view to open the window; but before it was opened, a woman came up and opened the window, and we got into the Custom-house.

Where did you part with the Mayor? In College-green.

Were there any other gentlemen with you and the Mayor? Yes, four, or five, or six.

Four or five men? Yes, men all of them.

You accompanied the Mayor to College-green? Yes, I did.

Did all those five or six escape in the same manner and at the same time? Two or three escaped with us.

Mr. Justice LITTLEDALE.---What is the object of this?

Sir JAMES SCARLETT.---There has been a witness called to speak to the mode of the Mayor's escape, and thrown a great deal of ridicule upon him.

Mr. Justice J. PARKE.---That is not material to the case.

Sir JAMES SCARLETT.---I cannot tell,---it was thought material enough to ask the question.

Mr. CAMPBELL.---You accompanied him to College-green? Yes.

Were you at the Council-house during any part of the Sunday? Yes, I was.

Without carrying you through that detail again, did it appear to you that the Mayor had any means, by the civil force, to suppress the riots that were then existing in the city.

Mr. Attorney-General.---It is hardly possible for any one to answer that question.

Mr. Campbell.---Did the persons you saw decline, without the assistance of the military, to assist the Mayor? On offering to take a constable's staff, and heading the people, five or six offered to go with me, but the others said they were too few---they had better wait for more.

Mr. Justice Littledale.---When was this? It occurred between six and eight o'clock on the Sunday evening.

Mr. Campbell.---Did you hear any persons express any disappointment that the military did not co-operate? Yes, I did.

Mr. Justice Littledale.---How many were the rest that refused to go? They were in different rooms, and upon the stair-case, and on the passage. I should guess a hundred and fifty, but I speak that quite loosely.

Mr. Campbell.---Was there a desire expressed by them, that the military should co-operate? There was—and by others, if the Magistrates would do without the military, they would endeavour to get some body together, and endeavour to quell the riots without.

That was on the condition that the military should not be employed? Yes, expressly on that condition.

Do you know who it was made that condition? Mr. Herapath.

That is the gentleman who has been described as the President of the Political Union? I understand so.

On the Monday morning at what hour did you go to Queen-square? About a quarter before six.

In what state was it at that time? Two sides were burned.

Were there many of the mob at that time? A great many at one quarter of the Square, where they were about two houses on the remaining side.

Will you state what steps were taken to suppress the riot? I met the 3rd dragooon guards, with Colonel Brereton and Cornet Kelson at their head, patrolling through the street that communicates from Prince's-street to the Square, at the angle of the two burning sides. I met them at that corner just opposite to the mob, when seeing the mob had actually broken into the two houses by which there is an indent in the basin, by which the bowsprits of the ships in the basin come near the houses---it occurred to me that the shipping might catch fire, and the whole city be burnt.

What did you do upon that? I took the liberty of mentioning that, to excuse the highly unmilitary act I did; I called out "Colonel Brereton, we must charge," and, without waiting for his answer, I gave the word of command to charge.

You were mounted? I was.

And charged at the head of them? I did.

Did you order several successive charges? I did.

Under the extreme circumstances of the case, superseding your superior officer. Yes.

Colonel Brereton charged with you? Yes, and as we were going at speed, I said, "I beg your pardon, Colonel Brereton, but I could not help it."

Did you succeed in clearing the Square? No.

You saved the houses? Yes.

But you could not, without more force, disperse the mob? I thought not; they collected in the courts before the houses; as soon as we dispersed them they get inside the rails of those courts, and collected as fast as we cleared them, and fired some shots.

The mob did? Yes, three or four shots at the military, and a volley of stones, but not a serious resistance worth mentioning.

Did you propose to go to Keynsham, to fetch the 14th dragoons? I did; I being the only person, although a soldier, in plain clothes, and likely to get through the mob.

Did you ride off to Keynsham? I did.

Did you bring them back as speedily as you could? I rode off at a gallop, but brought them back at a walk.

So as not to tire the horses? Yes.

Upon your return with the 14th, did you find that Major Beckwith had arrived? Yes, I did.

Were they put under the command of Major Beckwith, as the Colonel of the regiment? I gave them up to Colonel Brereton, and went to the Magistrates.

Certain charges were afterwards made, and the mob completely dispersed? Yes, I went afterwards, and joined the 14th dragoons.

A good many lives were lost? A great many were wounded, but I should not say many, but several lives were lost. I saw about five or six killed myself.

How many troops were there altogether making these final charges? The third dragoon guards were not engaged in the charges---the final charges were made by 57 men of the two troops, who were joined by a third troop that arrived from Gloucester, of more than a hundred.

Did you make several charges with the three troops of the 14th? We did.

How long was it before the mob were completely dispersed, from the time you began making charges? I was not above an hour with them: as soon as I saw the body of the mob dispersed, I joined the Magistrates.

Were they pretty much engaged in dispersing the bodies of the mobs? Yes.

And then the peace of the city was completely restored? Yes, it was.

Do you know how many men there were of the 3rd dragoon guards? Thirty-three, and twenty-three engaged in the charge, but there were thirty-three persons in the Square.

At the time when the peace of the city was completely restored, did you observe there was no deficiency on the part of the Mayor? Indeed, for the contrary, every suggestion that I could give, as a military man, he entertained, and had executed, or caused to be executed.

With the means that he possessed are you aware of any thing that he could have done to have restored the peace of the city? Nothing more than any means that I saw.

Cross-examined by Mr. Attorney-General.

On the Saturday evening when you were there, before you marshalled the constables, was not there an entire want of organization among them? There was.

Were there many irregular conflicts among them and the people, not at all directed and controlled by any Magistrate? Yes, apparently.

With respect to the time of the escape the next morning, you say there were no women present at that time? No.

Had the women any notice so that they did escape at all? I think I remember the Mayor sending notice to them to escape, but I cannot speak positively.

Did you see them? Not at all.

When you say four or five men were escaping at that time, can you mention their names? Not at all—I fancied they were special constables—I knew the face of one or two.

You parted with the Mayor at College-green on his way to the Council-house or the Guildhall? I do not know where he went.

It was in that direction? No, not at all.

And I think you left Bristol then? I went to Clifton.

At that time of the morning? I suppose between eight and nine.

Did you remain at Clifton the whole of the day? No, I did not.

Where were you? Frequently in Bristol upon horseback.

How long did you remain at Clifton before you returned to Bristol? About an hour and a half or two hours, but I am very uncertain about the time.

What part of the city did you return to? I certainly went to Queen-square and to Welch Back—but I do not remember the particulars.

You have stated that you do not know much of what was going on on Sunday? No, very little except generally, I did not know of my own knowledge.

You published what you called a personal narrative soon after that? I printed it without intending it should be published.

It found its way into the papers? It did.

Did you compose it by Lord Hill's desire or any body's desire? No, not by any body's desire. Yes, I beg your pardon, it was by his desire; he desired me to give him a written statement of what I had noticed.

Was it by his Lordship's desire you printed it? No.

It appeared in the London papers, it was dated the 8th of November, I think? Yes, it was.

When was it printed? Immediately.

How soon did it appear in the papers? The first time I saw it was on my return to Bristol; it appeared in the Bristol papers, I should think the 10th or 11th.

Were you called as a witness before the Military Court of Enquiry that sat at Bristol? I was.

You were summoned to attend the Court Martial? It was at the Court Martial I was summoned; I was not at the Court of Enquiry; I only went to verify my narrative, they took that as my evidence.

Towards the evening of Sunday you went away from the scene of mischief? Yes.

"Disgusted at the party spirit you witnessed among the inhabitants, and resolved to retire to rest and do nothing till the following morning?" Yes.

Were you convinced that "such scenes would then occur as would then arouse the public feeling, and render the Military Force tolerably effective; I little anticipated however, the fearful extent of the mischief?"* I was.

That was your feeling? Yes, it was.

Probably you were not called in as a witness at the Court Martial? Yes, I was.

Re-examined by Sir James Scarlett.

Will you have the goodness to explain what you mean by the party spirit you witnessed? On several grounds: I had employed myself a good deal on Sunday in going among the mob in various places, to ascertain their feeling, and to see what the views of the spectators were, whether it was mere curiosity, whether they felt any sympathy with the mischievous rioters.

What was the result of your remarks? I spoke to many of the mischief of remaining---that they seemed to aid the mob, and I had various answers; some, "that all was right," and others, "that they were there for the King and Reform," and a variety of foolish remarks.

Some said that all was right, and others that they were there for the King and Reform,—anything else? I begged them to go away; that they were

* Extract from Major Mackworth's Narrative.

aiding the mob, in fact, by their presence if nothing else, and they would not. I spoke to several well-dressed people; but what I principally alluded to in the narrative was the discussions to which I was a witness for an hour and a half at the Town-hall between the inhabitants, and which shewed a great deal of party spirit, in my judgment.

Can you mention any particulars?—was it about the use of the military? The particulars were innumerable; some proposing one plan, and some another; and some accusing the others, that all this mischief arose from their political sentiments, and others recriminating, and nothing agreed upon; when a Magistrate proposed one thing, another person started another thing; it is difficult to give a correct idea of it.

Did you find the parties present willing to accept any proposition of the Justices? I think a good number, certainly, would; others would not; from their general sentiments, a number would have seconded the Magistrates, in any proposition they might make, but the others would not.

From what you did see and observe, did you consider the prevalence of that spirit very unfortunate at the time, and rendered the Mayor incapable of commanding their aid? I did think so; I was satisfied, until something occurred to unite them, nothing effectual would be done.

That is the sentiment you expressed to my learned friend, upon his putting the question to you, that till something was done to induce them to act, nothing could be effected; did you, from the appearance of the mob, apprehend, that some mischief would ensue on the Sunday? I had no doubt, from the Gaols having been burnt, and the mob unopposed, that they would proceed to attack private property, judging from a general principle.

Was that what you alluded to? Yes, I stated it to the meeting, in the presence of Alderman Savage.

At the Council-house? Yes, Mr. Alderman Savage was the only person except Mr. Alderman Hilhouse, who was pointed out to me, that I knew.

Do you mean the meeting at the Council-house? I do.

Was the Mayor there? Not at that particular time.

When you returned, on the Monday morning, what you expected had taken place? Yes, except that it was worse.

You had not anticipated it being so bad? No.

Did you find, on the Monday, that the operations of that night had produced a totally different sentiment in the inhabitants? Yes, a totally different sentiment; I had a good opportunity of witnessing it.

What was it? When I brought in the 14th dragoons, I brought them through one of the worst parts of the city, inhabited by the lower orders, and at the doors we were welcomed with exclamations of delight and joy.

That was the same troop that had been hooted and pelted out the day before? Yes, the same squadron.

My learned friend has asked you whether, till you proposed the organization of the constables, you perceived any organization of them, to make them effective; was it suggested to you, by your military knowledge and tactics, that it was proper to organize them and head them? It was suggested by seeing them heaped up in a useless mass at the Mansion-house, and just at the door.

Was that heaping up at the Mansion-house the result of the order of the Magistrates, or of the whole disorder of the thing? The result of the whole disorder evidently.

When the constables were organized in that way, have you any reason to know whether the bodies did keep together as you had ordered them, or quitted their places? They did pretty well for about half an hour, until I thought the riot was over; I had visited them frequently, to see them, and about an hour afterwards I left the place, and went home, all seeming quiet.

Did the knowledge of your profession and your habits lead you to form a better judgment than those Aldermen had, upon the subject of organization and arrangement? Yes; I should not have interfered, had I not conceived it a military question, and it was for that reason I was directed, by the Commander in Chief, to give any advice I could to the Magistrates, purely upon professional matters.

I hope I may ask you, without disparaging my client, whether you discovered any great military talent among the Aldermen of Bristol? I had no opportunity.

You did not ascertain, by examination, whether they had been accustomed to defend a besieged town? No.

Or to discipline troops? No.

Mr. Attorney-General.—Did you not suggest the employment of the pensioners, two days before? I did.

Did you know how many there were, at Bristol? No, I did not; I asked, and was told about 300.

Did you suggest it to the Mayor? Yes, in a private house.

Sir James Scarlett.—That was two days before? Yes.

What answer did you obtain? That the Mayor did not think they could be assembled without a good deal of trouble to assemble them.

That there was not time to do it by the 29th? Yes.

He stated that as his opinion? Yes.

Did the Mayor inform you how many constables had been arranged? No, he did not; I did not press the subject so much as I ought to have done. May I be permitted to make one remark as to the third dragoons,—and it is without having any bearing upon this cause. I am quite sure that the conduct of the third dragoons must have excited a strong suspicion in the minds of the Magistrates, and inhabitants, that they would not do their duty; but I beg to say, that from their conduct afterwards, I am satisfied they only thought they were following the example pointed out by Colonel Brereton, and that he did it probably from humane motives.

Captain JOHN COOKE sworn—Examined by Mr. Campbell.

You are a Captain in the militia? I am, and on half-pay in the line.

Were you at Guildhall, at Bristol, on this Sunday, the 30th of October? Yes, I was.

At what hour did you go to the Guildhall? About three o'clock.

Did you see the Magistrates there? I saw the Mayor, and some of the Magistrates.

Did you hear any of the citizens saying whether they would act with or without troops? The general feeling was, that they could do nothing without the soldiers.

Was that said? Yes, it was said by almost every one there.

Did you hear any thing said to Colonel Brereton about the military? He came in soon after that time, and Mr. Ludlow, who had been then speaking to the persons assembled, asked him if he knew the state of the city, and whether he was prepared still to keep away the troops under the circumstances in which it was placed.

What said he to that? Colonel Brereton said they were tired and jaded and unfit for duty, and their lives would be in danger.

Mr. Justice J. Parke.—That has been proved five or six times over.

Mr. Campbell.—He refused to bring them back? Yes.

Did it appear to you to be possible for the Magistrates to get any Civil Force to act without the military? No, there were less than one hundred persons assembled.

Did the majority of those say that they would not act without the military? Yes, they were calling out for the soldiers; and some of them said they were sacrificed to the mob.

Before the Magistrates left the Guildhall and went to the Council-house, did you hear any deliberation as to what would be the best place to make a stand at? I was not standing far from Mr. Ludlow when he asked whether that was the best place to make a stand at, expecting an attack; I said, I thought the Council-house was better than that, as there were two fronts to the street and a great many windows, and the Guildhall was a long narrow building.

Was there anything said about keeping together? I think not; Mr Ludlow said, "Do not let us give it up,---though the soldiers are gone, I am ready to stand here to the last, if you think this is the best place."

You having recommended the Magistrates to adjourn to the Council-house? Yes, which they did soon after.

Do you know the city of Bristol well? I do.

In your judgment, would it have been a prudent thing to have put fire-arms into the hands of the constables to suppress the mob? I should think the most imprudent thing that could have been adopted.

For what reason? There were no soldiers to support them,---they must have acted on the offensive, and it was not probable that that could have long lasted with undisciplined persons; although they might for a time have been of use they would have lost their arms, and been unable to stand against the mob, and there must have been a great sacrifice of life and property.

Cross-examined by Mr. Attorney-General.

Did you give that opinion aloud in the Guildhall? Yes; I do not know that all the persons there heard it.

Did you state it alone? I stated it to Mr. Ludlow.

Did you state it aloud? No.

Were there persons wishing to have fire-arms that they might do garrison duty in their own defence? I did not hear them.

How came you to mention it then? It was stated there.

By whom? I was asked whether arming citizens would do,—whether I thought it would be attended with any advantage.

Who put that question? I really do not know.

Was that question put without a disposition being expressed to use arms if they could get them? There was a general cry for the assistance of the soldiers, the state the town was in probably suggested the idea of wishing to arm themselves.

Was that wish expressed? I had heard it.

Upon your oath did you give that opinion about the use of arms without hearing many persons express a wish to be trusted with them? I did not hear many persons express a wish to be trusted with them.

Some? I do not know.

One? I do not know that it was mentioned in the Hall.

Have you seen much service? I have not.

Have you served in Spain or in Holland? No, I have not.

In the militia? I have been in the militia the greater part of my life.

Did the Mayor resort to you for advice upon the mode in which the town was to be defended? Not at all.

Did any other person express the same opinion with you as to the use of arms by the citizens? I did not hear any opinion of the kind expressed.

Do you live at Bristol? I do.

Are you a housekeeper there? No, I am not.

A lodger, perhaps? A lodger.

As you thought the use of fire-arms imprudent, did you suggest anything else that could be done? I did not.

Did you think that the Council-house was better to defend, because it had two fronts to the street? Yes.

And the Guildhall only one and narrow? Yes.

Two fronts and more windows? Yes.

And an escape behind? I am speaking of the Guildhall; there was only one small door behind at the Guildhall.

How many at the Council-house? I really do not know.

Not know!—why you were comparing these two military positions? Not strictly.

You thought it better to make the Council-house the place of last defence because there was a better mode of escape? I said no such thing.

I so understood you? I said because it was better to defend and had two fronts to the street.

Did you not state that to Mr. Serjeant Ludlow? No.

That there was but one escape? I said there was but one door, and a long narrow building, and they could not defend themselves.

Re-examined by Mr. Campbell.

Was any one forbidden to use arms in his own defence? No.

In defence of his person, his property, or his life? No.

My question was, did you think it a prudent thing to arm the constables, with a view actively to disperse the mob? Certainly not.

You gave that as your opinion? Certainly.

In your judgment, would the mob have had a better opportunity of assailing the Guildhall than the Council-house? I think much better.

Explain why? There was a door opening to the street at the Guildhall, and on the other side there was another door, but it was rather the difference in the form and the number of windows it likewise had.

Mr. Justice J. Park.—It is perfectly immaterial which of the two was the most defensible;—a great many enquiries we have had have been perfectly immaterial.

Mr. Campbell.—It appears that my Learned Friend, as a General Officer knows more than Captain Cook.

Mr. Attorney-General.—I do not compete with him in anything.

Mr. Campbell.—He is as respectable as any man in this Court.

Mr. Attorney-General.—A friend of the Town-Clerk!

Mr. Campbell.—He is the friend of those I value as much as any one in this Court. (To the witness.)—Was that your opinion as to the Council-house Yes, certainly.

Sir James Scarlett.—Will your Lordships permit me to ask Major Mackworth as to the expediency of putting arms in the hands of the mob? I forgot it before.

Major DIGBY MACKWORTH called again.—Examined by Sir James Scarlett.

In your judgment, would it have been discreet to have trusted the constables, or the inhabitants generally, who were ready to come forward, if any there were, with fire-arms, for the purpose of offensive measures? Certainly not; it would have been the worst thing in the world.

With respect to a man firing out of his own window, to defend his house—any man may do that? That is a different thing.

Mr. Attorney-General.—Suppose you had been there to marshal them? I should not have given them fire-arms, when I offered to lead them.

Supposing no military force were to be had at all, and many of the inhabitants were ready to act with fire-arms to disperse the mob, do you not think they might have been so marshalled as to do essential service to the city? Not in any reasonable time.

What do you call reasonable time? A day or two; they must be exercised.

Did you ever make the experiment? Never.

There was no question put to you upon this subject? None whatever.

If any question had been put to you, should you have hesitated in dissuading them from doing it? Not an instant.

Mr. Justice TAUNTON.—Though you never made the experiment, did you ever, in the whole course of your experience, hear of such an experiment being made? No, it is generally considered so dangerous to put arms into the hands of young recruits, that they had rather be without them.

Mr. ATTORNEY-GENERAL.—Who had rather be without them? The Officer commanding them would rather not have the service of recruits, with arms in their hands.

Mr. WILLIAM DIAPER BRICE sworn.—Examined by Mr. FOLLETT.

You are the partner of Mr. Burges, who was examined just now? I am.

You were at Bristol, and attended the meeting of the Magistrates before these disturbances broke out? I did.

You were also there during the Saturday and Sunday? I was.

I do not want to take you over the same ground which Mr. Burges has spoken to. You were with him during the whole day? Almost the whole of the day.

You heard Mr. Burges examined? I did.

As far as you can speak from having been with him, is what he has stated a correct account? Strictly correct.

I want to ask you about your going to the Mayor for the billets for the Dodington troop; do you remember going to Mr. Fripp's house? I do.

Before you went to the Mayor, had you seen Mr. Alderman Hilhouse? Yes, Mr. Alderman George Hilhouse.

You had learned from him where the Mayor was? I had.

About what time in the night did you get to Mr. Fripp's? At about ten minutes to twelve;—a little before twelve.

You and your son went together? We did.

Had you taken any blank billets with you to be filled up? No, I got them there; they were written there.

You were present when the letter that was read just now was written? I was.

And the billets signed by the Mayor? Yes.

And the letter and the billets were then given to you? Mr. Alderman Fripp mentioned how they should be sent; and the Mayor said, "how are they to be sent?" I said I would take them.

Mr. Alderman Fripp was present? Yes.

When you got that letter and the billets, where did you go? I went with my son to the Recruiting Office, in College-green.

Who did you find there? We saw a man at the door, out of regimentals; but he appeared to me to be one of the Staff Serjeants.

Did you enquire for Colonel Brereton? Yes, I did.

Did you find him there? The man gave me an answer I could not understand; he did not appear to know what he was about. I said, "I have got a letter from the Mayor, I must find Colonel Brereton;" he said, "you cannot come in here, he is not here;" I said I must go in, and we both forced ourselves past him, and went through the court, and got into Colonel Brereton's office.

You found he was not there? Yes; but we saw a man sitting there, who said he would take us immediately to Colonel Brereton; he was across the Green.

Did you go across the Green? Yes, we did.

To Mr. Francis's? Yes.

He is a Lieutenant in the army? He is the District Adjutant.

Did you see Lieutenant Francis? No.

Whom did you see? We rang the bell, and saw a woman; she told us that Colonel Brereton was not at home; I then said again, "I have a letter from the Mayor, of considerable consequence, with billets;" the Serjeant said, "Give them to me, and I will give them to Col. Breeeton the moment he comes in."

Who said? Serjeant Dinidge who had gone with us there.

What did you do with them? We gave the letter and the billets to him there, explaining that the billets were signed by the Mayor, and left in blank for Colonel Brereton to fill up, as he found necessary, and to be directed to Fisher's, or to Leigh's, as he found most convenient.

What was done with the letter? I gave the letter to him, and he said he would take charge of both, and give them to Colonel Brereton—he expected him in immediately; and I then left them.

You say this was Serjeant Dinidge? Yes.

The witness examined the other day? It was.

Cross-examined by Mr. Attorney-General.

Were you at the Recruiting-office about six o'clock? Yes, about that time.

Did you go with the Mayor? No, with Mr. Burges, I think.

Did the Mayor come there? He was there when I arrived.

How long did you stay? Whilst I was there, there was some report made to the Magistrates of a quantity of guns being at Hole's the gunsmith—one of the Magistrates said, Mr. Alderman Daniel and Mr. Serjeant Ludlow were at Mr. Osborne's, and they wished me to go to them, and bring them—and I went to them, and brought them back to Colonel Brereton's office; they were taking some refreshment.

Did you stay after that, as long as the Mayor did? I think I went out —I think they desired me to go out for some pnrpose or another, and I returned again.

Was the Mayor there, then? I think he was—I do not recollect accompanying him back to the Council-house.

Which left first? I think I remained with Mr. Burges.—I cannot say which left first.

Were you there when the Bishop's Palace was attacked? I was; I accompanied the party there.

Will you tell us in a few words, if you can, in what sense this Queen-square is Corporation property? The Corporation are the lessors—they have granted the property in the greater number of instances, to parties for 40 years, with a covenant to renew those leases at the end of every 14 years, upon certain fines, with covenants to repair and rebuild.

Mr. Justice J. Parke.—Is this material to this case? (Witness.)—Some of it is in hand.

Mr. Justice Taunton.—The leases themselves are the best evidence.

Mr. Attorney-General.—Your Lordship would not like to have them.

Mr. Justice Taunton.—Probably not.

Mr. Attorney-General.—My Learned Friend said that this was burned down because it was Corporation property. A good deal of the property was in hand.

Sir James Scarlett.—I say so still, that it was burned down because it was Corporation property, and that it was burned down amidst the cheers of the mob.

[Adjourned to Wednesday morning, at ten o'clock.]

SIXTH DAY.—WEDNESDAY, 31st October, 1832.

The Jury were called over and were all present.

Mr. HENRY DANIEL sworn.—Examined by Sir JAMES SCARLETT.

I believe you are a surgeon at Bristol? I am.

You are not a member of the Corporation, are you? No, I am not.

Do you remember being at the Council-house on the Sunday evening? I do.

During the time of these unfortunate riots? Yes.

About what time in the evening were you there? I should think it was between six and seven o'clock.

What had led you there at that time? I was led there with a desire to see whether I could be of any service; from that feeling, and excited curiosity which every person felt naturally under those circumstances.

Did you find many people there? No.

Did you find any of the Magistrates there? Mr. Alderman Savage met me at the door.

Did you learn there any circumstances about a party having gone to the Bishop's Palace? Mr. Alderman Savage told me that the Mayor, with several other Magistrates, were gone down to the Bishop's Palace, to see whether they could be of any service.

Did you proceed to the Palace? He asked me to accompany him to the Palace.

Did you do so? Yes; I proceeded with him towards the Palace.

Were any gentlemen with you besides? Mr. Granger was with me, and Mr. Fedden.

You went after the Mayor's party were gone? Yes.

Did you overtake them? No.

Did you proceed towards the Palace? Yes, directly towards the Palace.

In what state did you find things when you got to the Palace? I got as far as the archway of the Lower Green leading to the Palace.

What prevented your going further? Because I found a very large mob, and the soldiers were beginning to move away from the Palace to the archway.

To come out? Yes; to come out to meet us.

When you say a large mob, perhaps you could not, at that time of night, form any guess of the number; but were they considerable? It was a very narrow space, and the larger part of the mob were not at that time in the archway; but still it was sufficient to choke it,—to stop up the archway.

Were the troops coming out meeting the mob? Coming from the Palace [illegible] archway, in a directly opposite direction to that. I should have gone, i[illegible]d continued my route to the Palace; the troops were forcing the mob fro[illegible]the Palace gate at the moment.

Did you see the troops go off? I did.

What occurred immediately on the troops going off? The troops took a direction by the Cathedral, and then a very large reinforcement of the mob came from the other side of the Green at right angles with it, and went directly to the Bishop's Palace.

Alderman Savage was with you, you say, at the time? Alderman Savage left me just at the moment that I came up to the archway.

What became of you between those two parties? I then went to the Pay-office, where I knew the Mayor and some Magistrates were assembled.

Is that what you call Colonel Brereton's Recruiting-office? Yes; the Recruiting-office.

What we understand is close by? Yes, it is close by.

Did you find any of the Magistrates there? I found the Mayor there, Mr. Alderman George, Mr. Alderman Savage, Mr. Alderman Hilhouse, the Town-Clerk, Mr. Burges, Mr. Brice, and Mr. Sheriff Bengough.

Did you mention what had happened, or was it known what had happened, of the troops going off? I mentioned it; but, I believe, it was known also. I mentioned that the troops were withdrawing, and, in my judgment, most shamefully, from the protection of the Bishop's Palace.

Have the goodness to attend to this question;—on the troops withdrawing, in your judgment do you conceive the mob could have been resisted without troops? It was utterly impossible.

Were they numerous? Very.

Could you judge from the shouts thal you heard whether they extended some way? I should say, that when the two portions of the mob were combined they formed many thousands.

Upon this intelligence being known at the office where the Magistrates were, what became of the party there? I suggested, I believe, in common with several others, that the situation we were in was one of extreme peril, because there was no possibility of our defending ourselves.

Did you propose anything to be done? I urged the propriety of our immediately quitting that confined situation, and taking our chance going out into the mob.

Dispersing? At once opening the gates and going forth.

In consequence of that, did the party issue forth? We did; I threw open one leaf of the double gate, and we all, immediately, in a body, left the ground of the office,—the court yard.

By the double gate do you mean to the court of the office? Yes; I opened one leaf of it, and we all went out together; every body left it.

Which course did you take? I first of all went with the stream of the mob towards the Drawbridge, as far as Trinity-street, the top of Trinity-street.

Were the mob going on rapidly? They were going at a great pace, and throwing missiles, sticks, and other things, which I found very disagreeable.

After having gone on with the stream of them for some distance, did you contrive to leave them? Yes, I made an angular movement, to get out of it.

Where were you brought out? I was called to by the Mayor; just as I had got to the edge of the concourse of people, Mr. Pinney called me, and asked me to render him any assistance that I could

You heard his voice, and he asked you to render him any assistance you could? I did,—he called me by name.

Did you advance to him? I did,—I advanced.

Was that upon College-green? Yes, it was a few yards above the turning towards Trinity-street that I got out of the edge of the mob, and then I met Mr. Pinney, and took him by the arm, and led him into the centre of the green.

Of course you can only answer to what happened to yourself, but did you observe whether he seemed exhausted? When I got into the centre of the green, I said, "We can wait a little while here,—we are here free from disturbance, and you can reflect what you can do, or what can be done;" as soon as I got to the centre of the green he appealed to me in this way; "Daniel, I have done all that I can,—is there any thing earthly you can suggest?"

In the position which you both were then in, was it an advance towards the Council-house? No, it was about on a straight line from where I got him up, neither advancing nor retreating, but in the centre of College-green.

There was no road there? There was a footpath, but it was free from the crowd of people.

What was your reply to that? I told him that, from the completely deranged state of all our defensive powers, I thought it was his imperative duty to put himself into a situation to preserve his own life.

Did you propose to take him any where? I did.

Where was that? I offered to take him to my own house, at Clifton.

What was his answer? He acceded to it, and we were proceeding towards Clifton, when somewhere about the bottom of Park-street Mr. Pinney said to me, "Why, Daniel, your house is out of the city, and if it is possible for me find any place of safety within the city, I should most earnestly desire to stay there, that I might be at hand in case it should be necessary for me to do any thing, or to take any necessary measures."

Mr. Justice LITTLEDALE.—That he might be at hand for what? If he was wanted, for purposes of any description.

Sir JAMES SCARLETT.—In consequence of that where did you take him? It immediately crossed my mind that my partner, Mr. Granger, lived within a few doors of where we were then standing, and immediately took him there.

Sir JAMES SCARLETT.—I beg pardon of your Lordships and the jury for the want of recollection in my opening; I believe I stated that he went first to Mr. Lax's, and then to Mr. Granger's; it was an involuntary mistake of mine. *(To the Witness.)* You took him to Mr. Granger's, your partner's? I did.

What occurred when you introduced him to Mr. Granger? We had not been there many minutes; Mr. Pinney was extremely fatigued——

I asked you the question whether he was exhausted and fatigued? He was so, and I asked Mr. Granger to give him a biscuit and a glass of wine, but I believe even before it was brought Mr. Pinney said to me, "I am very anxious that it should be known where I am; do pray send a message to Colonel Brereton and to Mr. Brice, and Mr. Burges, and Mr. Sergeant Ludlow."

Was a messenger procured? A gentleman had joined us, in the course of our walking from the Green to Park-street, a total stranger to me, a person I had never seen before, nor have I ever seen him since, and I asked this gentleman if he would undertake to go with this message, which he did.

Mr. Justice LITTLEDALE.—To send to whom? To Colonel Brereton, Messrs. Burges and Brice, at the Council-house, and Mr. Serjeant Ludlow.

Sir JAMES SCARLETT.—After he stated his desire that those persons should be informed where he was, I think you say, that a gentleman, who was a stranger, who had accompanied you, undertook to go? Yes.

He was requested by you to take that message immediately, and he agreed to do it? Yes, he did.

How long did the Mayor remain at Mr. Granger's? I really cannot exactly say; I should say an hour, or an hour and a quarter.

What was the cause of his leaving it? Mr. Granger called me out of the room, and told me that he was under so much alarm for the safety of his wife and family, that he could not permit the Mayor to remain any longer in his house.

Did he state what was the cause of his alarm? He was afraid, from its being known to the populace that the Mayor was there, that his house might be attacked, and that his property and the safety of his family might be endangered.

This was not in the Mayor's presence—he called you out? He called me out.

Did you express any unwillingness to communicate this? I did; I was reluctant.

What did Mr. Granger say, if you would not undertake it? He said, that if I did not, he should be under the necessity of doing it himself,—of telling the Mayor that he must quit the place.

In consequence of this, did you state it to the Mayor? Not in those direct terms; I did it in as delicate a way as I could, that it was necessary for us to remove; I did not like to say point blank that we were turned out of the house.

Mr. Granger was your partner too? He was.

Mrs. Granger was there? She was up-stairs.

When you went out into the street, did you know where to go? I suggested that we would go across to Mr. Sheriff Lax's.

Did you go across? We did.

What occurred at Mr. Sheriff Lax's?—have the goodness to state that without my asking you particularly? Mr. Sheriff Lax's servant opened the door; I asked if Mr. Lax was at home—he told me no, he was not; I said that I was desirous of bringing the Mayor in—that the Mayor was at the door, and I wanted to bring him in there. His reply was, that Mr. and Mrs. Lax, and the female servants, had all left the house, and that every thing valuable that could be moved, had been removed; that he, with another man who was standing by, were left in charge of the house; that, if the mob assailed it, he was to throw the coping-stones over, to endeavour to intimidate them, and if that did not succeed, he was to escape over the roof, and leave the house to its fate.

He stated that as his instructions? Yes, as his instructions.

What further passed?—any thing further with that man? Not a word.

Did you consider that as a repulse? Of course—I took the Mayor by the arm, and led him away.

When you led the Mayor away, from the conversation you have mentioned, had you the least idea, or was one word said by either of you where the Mayor was to go? Not one word—for in my own mind I meant to take the Mayor to my own house.

In your mind, you had resolved to take him to your own house? I had.

Did one word pass in the presence of that man, about your going to Mr. Fripp's? Impossible! I had no more idea of going to Mr. Fripp's, when I left Mr. Lax's door, than I have of going to Mr. Fripp's this morning.

When the Mayor and you left the door, how far had you got before any thing occurred? Nearly to the top of Park-street.

That leads to Berkeley-square, I believe? That leads to Berkeley-square.

Was any thing suggested by the Mayor as you were nearly at the top of Park-street? The Mayor said to me, when we were near the top of Park-street, "I wonder if Mr. Alderman Fripp is at his brother Daniel's, in Berkeley-square—do you know them?" I said, "Very intimately, and that I would go and find out."

Did the Mayor state whether he had any knowledge himself of Mr. Daniel Fripp? No; nothing further passed than the words I have mentioned.

Did he accompany you to the house? He did.

You went in? No, I rang the bell, and asked if Mr. Alderman Fripp was there;—his brother told me he was, and I requested he would come down, for the Mayor wanted to see him.

That was before you introduced the Mayor into the house? Before the Mayor was introduced into the house.

Did Mr. Alderman Fripp come down? I do not recollect. I believe Mr. Daniel Fripp alone, came down—I did not go further than the passage;—as soon as I had introduced the Mayor in the passage, I left; I am positive Mr. Daniel Fripp was present, but whether Mr. Alderman Fripp came down before I left the passage, I cannot be positive.

Did you then proceed to your own house? I went home to Clifton.

Did you see the Mayor the next morning? I did.

At what hour? I should think between ten and eleven.

At the Council-house? Yes.

Were you there any time with him? Not a great many minutes.

I beg to ask, although, when you found the Mayor in the state you describe, he appeared much fatigued, did you, either that night, or the following morning, observe in him any want of personal courage and coolness? My reply to that would be this—that looking at the extreme personal fatigue which he must have undergone during those days, and looking at the overwhelming circumstances that surrounded him, I think he shewed as much or more presence of mind than would fall to the lot of many men.

Had you been in Bristol during the Sunday before the time you went to the Council-house? Yes, I was, about eleven o'clock, or between eleven and twelve for a very short time.

Were you at the Council-house? No; I was at the Hospital the greater part of the morning, in consequence of the wounded who came in on the Sunday morning.

You are a Surgeon in the Bristol Infirmary? I am.

You were in attendance that morning? We were all in attendance that morning, to attend upon those who had come in, and to wait in case of any others coming in.

Cross-examined by Mr. Attorney-General.

You went to the Council-house between six and seven, I think you say? Yes.

And you found that the Mayor had gone to the Bishop's Palace,—was that so? Yes.

Did you then go to the Palace yourself? I went directly with Alderman Savage towards the Palace.

You were deterred from going to it by some occurrence of the mob? Yes.

The troops were coming out at that time? They were.

I think I understood you to say you thought you would go to the office to see the Mayor there? I went to join the Mayor and other Magistrates because I was informed that there they were assembled.

Where? At the Recruiting-office.

Where did you receive that information? I think Mr. Savage told me that they were gone into the office.

That they were at the office at the same time the soldiers were at the Bishop's Palace? The Mayor was at the office while the soldiers were round protecting the Bishop's Palace.

Were you a second time at the office? No, that was the only time I was there.

Then I presume that must have been later than you suppose? I do not think it was a great deal later by the time we got down there; it may have been a little after seven when we got to the office; I think it is not possible under the circumstances to be correct to the hour.

You went from the Council-house to the office, did you? I did.

You and Mr. Savage? Yes.

And how many more? There was Mr. Grainger and Mr. Fedden. I understood from Mr. Savage that the party who had gone with the Mayor were still more numerous, but they had gone another route by Broad-street.

Are there different routes? Yes, there are.

Did you meet with any obstruction in getting from the Council-house to the Drawbridge? Not the slightest.

Or in getting from the Drawbridge to the office? None, till we came to the archway where the mob were collected.

How long, in your judgment, were you at the office altogether? Not many minutes.

You have stated what happened at Mr. Grainger's—when you went to Mr. Sheriff Lax's did you know the servant who opened the door? I did not immediately, because he was disguised in dress,—he was dressed, I think, as a sailor,—he was disguised I know.

Do you remember some doubt being expressed whether he and the Mayor knew one another? There was nothing of the kind.

Are you quite sure of that? Indeed I am.

You did not know him at first? I did not.

Was there nothing said about who he was, or whether you knew him? Not by the Mayor,—he made himself known to me; the Mayor never went within the threshold of the door,—he stood in the door-way.

But the man did make himself known to you? He did.

Between him and you there was some question as to whether you knew him or not? There was.

Do you recollect his using the expression that he had often had the honor of waiting upon his Worship at the Mansion-house? I do not,—I think he made use of some expression about having waited upon me at the Montague, but that related to myself, not to the Mayor.

You do not recollect very accurately? There was something of that kind.

You are not certain about that? Yes, I am certain he referred to having waited upon me at the Montague Tavern.

The Mayor was in sight, I suppose, in the door-way? Yes.

Did not the Sheriff's servant say, he had had the honor of waiting upon his Worship? No, not in my hearing.

Are you quite sure? Quite.

Was there anything to call your attention to a circumstance so trivial? I think I should have recollected that.

When was your attention called to this? I do not think it has been called to it at all till now.

Till within these few days, I presume? Yes.

Do you mean to say that you can swear to the fact, that having referred to having waited upon you at the Montague, he did not refer to his having had the honor of waiting upon the Mayor? I swear that, to the best of my belief, he did not refer directly or indirectly to his having waited upon the Mayor.

Will you swear that that could not have passed, and you have forgotten it? I swear, that if it had passed, I could not have forgotten it.

That is a speculation? I am certain I could not have forgotten it.

Mr. Justice TAUNTON.—He swears it.

Mr. ATTORNEY-GENERAL.—It is a speculation however. What was there to make you remember it from that time to this? This simple fact, that the Mayor was outside the door,—no one question was referred to him or about him by the servant.

That is the very question, whether it was or not? I say positively not.

I ask why you are able to swear to the fact so positively? Because the few sentences that passed were so very short that I could not forget them; it did not amount to a minute or a minute and a half at the outside.

Mr. Justice LITTLEDALE.---You think you heard them all? I say positively that I can remember every word that passed.

Mr. ATTORNEY-GENERAL.---Of course then he said nothing about having been at the Mansion-house the night before or that morning, or assisting the Mayor to escape? Not that I heard,—I heard nothing of the kind.

You swear that nothing of the kind passed? Nothing of the kind, certainly.

The Mayor had mentioned his wish to have it known to the Town Clerk, and Mr. Brice and Burges, where he was?

Sir JAMES SCARLETT.---And Colonel Brereton.

Mr. Attorney-General.—I do not speak of Colonel Brereton, but of Mr. Brice, Mr. Burges, and the Town Clerk? Yes he did.

Did he mention none of those Corporate gentlemen at Mr. Lax's door? None.

Nor you mention them? Not that I am aware of. I have no recollection of having done so.

There was nothing said about its being known where he was to the Corporate gentlemen, or any thing of that sort? I have not the slightest recollection; I think I can say certainly not.

There was nothing said by you, "You understand what the Mayor means?" I have no recollection of any thing of the kind.

The man did not say, "I understand you; I will not betray his Worship?" I have no remembrance of any such words.

You left the Mayor at Mr. Fripp's, did you? I did.

You thought the Mayor in danger, it seems? I did.

Were you not anxious to prevent its being known where he was by any, except those to whom the knowledge was necessary? I was.

Had you given a caution to any body on that subject? I did, to the messenger that went from Mr. Grainger's.

What was the caution you gave? It was, that he should not say generally where the Mayor was, but only to the persons to whom he went.

You thought that a very important caution to be given? I did.

When you dined at the Montague, ———

Witness.—Will you allow me to add a sentence to that. When I directed the messenger to go to those several places and explain where the Mayor was, and did give him the caution that he was not to tell any body but the Authorities to whom he was sent, the Mayor turned round very sharply upon me, and said immediately, "But it must be known where I am."

Mr. Attorney-General.—This wish to have it known to the Authorities where he was, led you to employ the messenger for that purpose? Yes, but I thought it my duty to give the last sentence as well as the first.

When you dined at the Montague did the Mayor dine there; I do not know that I ever dined with the Mayor there in my life.

It was not a Corporation dinner? No; I do not think I ever dined with the Corporation there—that was not the place where they dined.

You knew that Townsend was the Sheriff's servant. Yes.

You supposed that he must know the Mayor? Yes.

Was there any reason why you should give this charge to the person you sent, and not to him? If we had remained there I should have done so.

What was the reason you did not do it? Because we did not rest there, and it was not likely they should seek him there.

Why was it not likely they should seek him there? Because he was not likely to be there.

Nor at Mr. Grainger's? Yes; I was sending word that he was there.

Where was the messenger to say that the Mayor was? At Mr. Grainger's.

You determined to take the Mayor to your own house? I did.

I do not know whether you have happened ever to have seen Mr. Pinney on horseback? Never in my life.

Mr. Justice J. Parke.—Are you sure that you did not say to Townsend that he was not to tell where the Mayor was gone? I am quite sure.

That he was gone to Mr. Fripp's in Berkeley-square, but that he was not to tell it? I am quite sure; I had no idea of going to Mr. Fripp's when I left Mr. Lax's door.

What Townsend has sworn is, that Daniel said he might depend upon him; that he was not to tell where the Mayor was gone; and that Daniel, in the presence of the Mayor, said that he was going to Mr. Fripp's in Berkeley-square; that he, the witness, said in answer, he perfectly understood him, he would not betray his Worhship—did that pass? Certainly not.

Mr. Justice TAUNTON.—There is a question which one of the gentlemen of the Jury wishes to ask : "Had you any occasion to doubt the faithful delivery of the message to the City Authorities? I had not the slightest means of ascertaining the fact,—he was an utter stranger to me, I had never seen him before or since.

Mr. Justice TAUNTON.—Is the archway you and other witnesses have spoken of, the archway between the College-green and the Lower College-green? It is.

Can you tell us with any degree of certainty how many yards or paces that archway is from the place where the military and the crowd were so closely pressed together at the Bishop's Palace? I should think not above thirty or forty yards—a very short distance.

You had advanced at the time you were stopped, at the archway to within about forty yards of the Palace? About forty yards from the entrance to the Palace, not the Palace itself.

Mr. DANIEL FRIPP sworn.—Examined by Mr. CAMPBELL.

Do you live in the city of Bristol? I do.

At No. 30, Berkeley-Square? I do.

You are not in business,—I believe you are living upon your fortune? I am.

Are you a brother of Alderman Fripp? I am.

Are you a member of the Corporation yourself? I am not.

Do you remember your brother coming to your house in the evening of Sunday, the 30th of October, 1831? I do.

About what time did your brother come? As nearly as I can recollect about nine o'clock.

Is Mr. Daniel, the surgeon, a friend of yours? He is.

And an intimate friend? He is.

Do you recollect in the course of that night Mr. Daniel coming to your house? I do.

With Mr. Pinney, the then Mayor? Yes.

About what time was it? About eleven o'clock.

Do you recollect what Mr. Daniel said when he introduced the Mayor? He asked me if I would take the Mayor in,—that he did not like to take him to Clifton,—that, in fact, the Mayor would not leave the city, otherwise he would have taken him to his house at Clifton.

Do you recollect afterwards the Town Clerk, Mr. Serjeant Ludlow, and Mr. Burgess coming to the house? I do.

Did they enquire for the Mayor? They did.

They saw him? They did.

Dou you recollect that a letter was then written to Colonel Brereton by theMayor? Partly by the Mayor.

Mr. Justice LITTLEDALE.—At what time was it the Town Clerk came? A little before twelve.

And Mr. Burges? Yes, I believe they came together.

Mr. CAMPBELL.—Do you recollect Mr. Brice coming? Yes.

Do you afterwards recollect Mr. Goldney and Mr. Wintour Harris coming? Yes.

That was about three, I believe? It was.

Mr. Justice LITTLEDALE.—That letter was written after Mr. Serjeant Ludlow came in? Yes it was.

Mr. CAMPBELL.---Mr. Goldney and Mr. Wintour Harris called about three? They did.

They delivered a message to you for the Mayor? They did.

Did you take that message to the Mayor? I did.

Where was he? He was up in my drawing-room, one story high.

Did he sit up all night? He did.

You having delivered the message, was there a letter written? There was.

Was that given to you to deliver to Mr. Goldney and Mr. Harris? It was.

Did you deliver it to them? I did.

Do you recollect what you said when you delivered the letter? Yes.

Mention it to my Lord and the Jury? I requested that they would not say that the Mayor was at my house.

Did you receive any instructions or authority from the Mayor to deliver that injunction? None whatever.

Did he know that you were to deliver it? No, he did not.

Did you tell him that you had delivered it? I did not; on the contrary, when I received the letter from the Mayor, he was anxious that it should be put in that letter where he was, because it was not in the letter; the letter was being sealed when he pressed that—"It is not stated in that letter where I am,"—and upon that I took the letter down, with the observation—it did not signify, that it was stated so clearly in the letter at twelve o'clock.

Mr. Justice Taunton.—The Mayor, when he was sealing the letter, said, "I omitted to put in the date where I am?" Yes.

Then an addition was made to the note? No.

Mr. Campbell.—The witness stated that it was unnecessary to make any addition to it, because it was so clearly stated in the letter written to Colonel Brereton at twelve o'clock.

Mr. Justice Taunton.—I beg your pardon; I lost the latter part in reading the former.

Did you know, that in the letter written at twelve it was stated, "The Mayor of Bristol begs leave to inform Colonel Brereton, that if he should have occasion for the orders of a Magistrate, either the Mayor or some other Magistrate will be found at Mr. Fripp's, No. 30, Berkeley-square, the second house on the right hand, on turning into the square from Park-street?" I did; because I gave the description of the house myself.

Were you afraid that it should be generally known in Bristol where the Mayor was? I was.

On what ground? My wife had been considerably alarmed by what she considered the noise of rioters coming up Park-street.

Had your wife been much alarmed? She had.

Had that produced any illness? She had been in fits.

Besides that, had any money been brought to your house from the Post-Office? There had,—sent by the Postmaster.

For safe custody, at your house? Yes.

When had it been brought? I believe about half-past nine.

On the Sunday evening? Yes.

At what hour did the Mayor leave your house, on the Monday morning? I believe it was between four and five o'clock.

Did Alderman Goldney then call upon him? Yes, he did.

Alderman Goldney and the Mayor went away together? They did.

Had he sat up till that time? He had.

Without changing his dress? Without the least change or alteration of his dress.

Is there a gentleman of the name of Ratcliffe, a neighbour of yours, in Berkeley-square? There is.

Was he aware, to your knowledge, that the Mayor was at your house that night? He was.

Do you know whether, in consequence, he removed his family? I cannot say.

Mr. Justice Littledale.—Do you know how he became aware of his being at your house? I do not; but he knew of his being at my house before half-past eleven.

Mr. Attorney-General.—I do not see how that can be material.

Mr. Justice J. Parke.—It may explain Mr. Fripp's conduct; it c annot affect Mr. Ratcliffe.

Mr. Attorney-General.—I do not know how it can explain Mr. Fripp's conduct.

Mr. Justice Littledale.—Only that it might be material, whether other persons were aware of his being in that house.

Mr. Campbell.—Do you know whether Mr. Ratcliffe was Churchwarden at that time? I believe he was not.

Cross-examined by Mr. Attorney-General.

The Alderman came to your house about nine in the evening? He did.

When was Mrs. Fripp so affected as you describe? I think it was about ten o'clock.

Before the Mayor came? I believe it was.

Did you mention that to the Mayor when he came? I did not.

Did you tell him that you wished it not to be known that he was there? No, I did not.

At what time did you go out yourself on the Monday morning? I went out soon after day-light.

That is about half-past six or near seven? Thereabout.

Had any body else called upon you in the night? Yes, many persons called.

The Mayor had left the house before you went out? Yes, he had.

How soon after that did you see Mr. Ratcliffe? I cannot say at what time afterwards I saw him.

Had you seen him in the course of the night? I had, several times--he came to my house to make enquiry what I intended to do with my family.

Mr. JOHN FISHER sworn.---Examined by Mr. Follett.

I believe you are a livery stable keeper---are you not? Yes I am.

Were your stables engaged for the reception of the troops on the Saturday? They were.

I believe the 14th were quartered there---were not they? They were.

Do you remember on the Sunday, the 14th coming to your stables before eleven o'clock? They remained at my stables on the Saturday night and they were in and out in the course of the night with patroles.

Do you remember their coming upon the Sunday morning, pursued by a mob? Yes.

That was about eleven, was it not? About a quarter before eleven; the remainder of the troops were in my yard; some of the troops, Capt. Gage's troop, were standing at the Bazaar.

The troops that came up from College-green, followed by the mob, were not those quartered there during the night? They were not; they returned to my stables from College-green.

Were you there when Colonel Brereton ordered those troops out of the town? I was.

At the time that Colonel Brereton ordered those troops out of the town, were they, in your judgment, fit for service, or tired and worn out? Quite fit for service; for the remainder of the troop had been in my yard the whole of the night.

Mr. Attorney-General.—I must interpose, for I do not see how this could affect the Mayor; it might affect Colonel Brereton, but I do not see that it has any thing to do with the present case; that occurs to me at the moment.

Mr. FOLLETT.---I only wish to know whether the troops were in a fit state when they left the town? I think they were quite fit for any duty that they had to perform, both horses and men.

All the horses that were standing at your stable before the private horses, had been removed to make room for the troops? They were, by Alderm n Daniel and Mr. Sheriff Hare.

Did you, in the course of the Sunday evening, make any preparations to receive the Dodington troop of Yeomanry in your stables? I did.

Had you, before that, received orders from Mr. Alderman Camplin to take in any troop of Yeomanry that might arrive? I had.

At what time in the day did you receive those orders from Alderman Camplin? I think about half-past eleven o'clock, after the 14th had left.

I believe you yourself saw the Dodington troop of Yeomanry in the street? I did uot know it was the Dodington troop; I heard there were soldiers come into the town; I went on to the Green, and saw them formed in front of the Deanery.

As soon as you saw the troop there, did you come back to your stables, and make preparations for them? I went back to my stables;—the man was in the counting-house,—I ordered him to put the lights along the stables.

Did you prepare for the reception of the troops? I went to the gate and heard the troops coming up the street.

Were your stables ready for them? They were putting lights for them.

While your men were lighting the stables for them, did Col. Brereton come up and see them? He came up to me.

Did he speak to you, and ask you whether the stables were ready for the troop? He asked me if I had room for eighty horses.

What answer did you make to that? I told him I had room for eighty horses to stand double; but not room for eighty horses to stand in different stalls.

I believe the 14th had stood double, had they not? They had.

Did the Colonel say any thing upon that? I turned into the yard and got a few sconces.

You began to light up the stables? The yard,—our gas was turned off that night.

And the Colonel went out? The Colonel went out to the head of the troop.

The troop were outside? Yes.

At that time were your stables ready for the reception of the troops if they had come in? Quite ready.

Did they come into your yard? I went up the gateway and I left the Colonel.

Did you tell the Colonel you were ready? I told the Colonel I was quite ready.

Did the troop come in? They did not.

Did you see them march off? The Colonel turned to me————

Answer the question,—did you see the troop go? Not then.

They did not come in at all? They did not come in at all.

Mr. WILLIAM HARMAR sworn.---Examined by Sir J. SCARLETT.

I believe you are an attorney? I am.

Do you reside at Bristol? I do.

Are you a Member of the Corporation? I am not.

Is your house near Queen-square? No, it is some considerable distance from Queen-square.

Did you happen to come into Qeeen-square, on the Saturday, the 29th of October? Yes, I did.

Were you in the Square at the time the 3rd dragoon guards were brought in by Colonel Brereton? I was.

Sir James Scarlett.—I will not go through all the history we have heard before, but only particular facts. In what part of the Square were you? On the inside of the rails, nearly opposite to the Mansion-house.

How many people do you think might be in the Square, at that time? I am not a very good judge of numbers, but I should say several thousands before the soldiers came in; they had dispersed, in some measure, on the sight of the soldiers.

On the soldiers coming in, did you hear any shouts, or cheers? I did so.

Of what description? "The King and Reform," "God save the King," and terms of that sort.

Was that much repeated? Yes, frequently, by the soldiers and the multitude; the soldiers joined in it.

Did you, in the course of the evening, go to the Mansion-house to assist the constables? I was backwards and forwards in the Mansion-house, and in the Square, the whole of the Saturday night, till eleven or twelve o'clock.

My question was, did you go to give assistance? I did.

Were the constables able to make head against the mob? They were not, for want of organization.

After the military came, the mob were more tranquil, were they not? They were, for some time.

I will not go through the details of the night,—we have had them sufficiently,—but the next morning did you see again the 3rd dragoon guards, and Colonel Brereton amongst them? I did.

When did you first see him? I saw him ride up at the Mansion-house, I think about nine o'clock, as well as I can recollect; but I have a very indistinct recollection of the time; I was up for three nights, and was very much excited; I had a sister living in the Square, for whose property I was very much interested; of course I was much excited during the whole time.

Had you observed the attack made upon the Mansion-house? Yes, I had so.

Before Colonel Brereton came with the troops? Yes.

Had the mob got possession of it? I was driven into the house by the mob, and when I got into the house, the persons who had been in it were endeavouring to make their escape.

Did you get out at the back? No; I saw the Mayor go up the stairs, with Major Mackworth.

You saw the Mayor escape, did you? I did.

Was Major Mackworth with him? Yes, and Mr. Gibbons was with him.

Which way did they escape? They got through the window at the back or side of the house, at one end of the staircase, and on to some leads.

You saw them do that? Yes.

Did you see which way they went, after that? No.

Were any women with them? Not one.

Did you think, at that moment, it was necessary to escape? I did.

Which way did you escape? I got down the stairs; I went back again into the hall, and mixed myself with the mob.

The dragoons at that time were withdrawn, were they not? They were, I think there were two or three parading about, but I am not quite sure.

After that Colonel Brereton came? He did.

Did you see Mr. Hilhouse or the Mayor come with him? I do not recollect that I did.

In the course of that morning did you hear any address from Colonel Brereton to the mob? I did so.

What was it? The mob were shouting "The King and Reform," and one man shook him by the hand, one of the mob, and he said, "I am for reform, my boys, as well as you;" but as to any address in particular, I did not hear any.

Did you hear him say any thing about the 14th? There was a complaint made against the 14th, in very disgusting language.

Mention the language? "Murder the bloody Blues," or some expression of that kind, expressing their disgust and their dislike to the 14th dragoons, and he said, "I will send them out of the town."

Did they cheer him then? They did so.

Did you see him again after he had sent them out of the town? Yes, he had sent them out of the town—at least after they were gone, indeed; I heard him say afterwards that he had sent them out of the town.

After the first time, when he said he had sent them out, did yon hear him address the mob upon the subject? The soldiers were passing as I was going from the Guildhall—I do not allude to the 3rd dragoons now, but the 14th dragoons; they passed through as I passed from the Guildhall—the mob were hooting them most noisily, and abusing them with all the words they could use of the lowest order, and pelting them with stones.

My question was, whether you heard Colonel Brereton say any thing to the mob after they were sent out of the town? I heard him tell the people he had sent the 14th dragoons out of the town.

Mr. Justice J. Parke.—At what time of the day was that? It was towards twelve o'clock, my Lord—it may have been an hour earlier, or an hour later.

Sir James Scarlett.—Upon this communication of Colonel Brereton, did they appear to take fresh courage? They did so—they cheered him, and shook hands with him, and said he was a good fellow, and all that sort of thing.

Did you see any drinking? I saw the soldiers drinking with the mob frequently?

Mr. Justice J. Parke.—Which soldiers? The 3rd dragoons; I saw a bottle thrown at one of the 14th dragoons, a quart bottle, which struck him on the back part of his head; it was thrown by a single individual in advance of the mob; and the soldier, when he recoved himself a little, presented his pistol at the man, and Colonel Brereton struck his hand up to prevent his firing his pistol.

Was the multitude as great on the Sunday, in the Square, as it had been on the Saturday night? At times it was, I think; indeed, more so on Sunday night.

I presume many of the persons you describe as comprising part of the several thousands, appeared to be spectators? They did so.

Did you see whether any of these same persons acted as constables on the Monday? On the Monday, I saw many who composed the mob, and who composed the violent part of it, acting as constables.

You are sure about that? I am positive, so far as it is possible to recognize faces during such a scene.

Were they distinguished from any others? They had their knives in their hands, on Monday morning—half-sword, half-knife,—some of those I had seen on the Sunday night very active in throwing stones, and shouting, and some of the most noisy; as they passed me on the Monday morning, they shook their knives at me in the most diabolical way;—I assisted in taking some of the men.

It was whilst they were playing the mob, they shook their knives at you? No, whilst they were playing special constables.

Did you know who was their leader? I did not.

Mr. Justice Littledale.—You say they shook their knives at you? Yes, in a ferocious way; I was at the head of the constables from Christchurch parish, at the time.

Sir James Scarlett.—Were the other constables armed with half-knives? I saw none but those.

Describe the kind of knife they had got? They had a sort of knife that approached nearer to the character of a sword, something between the two; it was in the blade, I should think, eighteen inches long, with a handle to it.

I wish to bring you to another particular fact---were you in College-green on the evening when the Bishop's Palace was attacked? I was.

You went there? Yes, I did.

Did you make any efforts to assist in saving the Bishop's Palace? I did, and with three or four others I effected it at the first.

Were you one of the party that got into the Palace? Myself and Mr. Lowe, and one other gentleman, were the three first who got into the Palace---we were in advance of the special constables considerably.

Of the body that came with Alderman Camplin? Yes; I had met with Alderman Camplin in my way to the Palace, and he had told me that he thought I might be of service if I would go down there.

You hastened before the body? I hastened with two or three friends before the main body that told me he was going to get a body of the special constables from the Council-house, to get assistance,—I do not know that he said special constables.

Did you secure any property from any body? I did,—I attempted to do so, and when I did so, Colonel Brereton, I think, or at all events the person in command of the troops, said to me "put up that sword."

You had a sword in your hand? Yes, I had; he said "put up that sword,—if you do not you shall be cut down," or "I will cut you down."

Did you say anything? I forget---I made some reply---I was exasperated upon it and said, "he be damned," or "cut me down?" or something of that kind.

Perhaps he took you for one of the mob? I do not think he did, for the mob had been making their escape; I bad expressed myself very angrily to him for their making way for their going out through their horses; as the soldiers advanced they went out through the soldiers' horses with plunder in their hands.

Did you lay hold of any of the plunderers? I did so, of one man; I cut at him with my sabre; I got within reach of him, and was about to lay hold of him when another soldier ————

What had that man in his hand? He had a bundle and some meat he was taking out of the Palace; I saw him come from the door of the Palace.

You got hold of him? I did.

What happened to you then? I struck him first of all with my sword, and then got hold of him, and a soldier said, "You have been already told to put up that weapon,—I desire you to put it up immediately, or I will cut you down."

What became of the man? Having in the meantime seen a soldier cut the Bishop's butler in the face, I thought I had better let the man go.

Describe the circumstance of your seeing the Bishop's butler cut in the face? The Bishop's butler was struggling with a man who had come from the Palace with something which he desired him to give up---he said, "give me that," and then got the man on the ground eventually. One of the soldiers said, "Loose that man, loose him;" he refused to do so.

Did he say anything? He continued to struggle with the man and the man with him, and he said that he would not loose him, that he was placed there by his master the Bishop, and that he would exert himself as long as he had life in the protection of his master's property, or to secure the villains who had set fire to it; for it was then on fire.

When the butler said that, what occurred? When he said that, the soldier cut at him with his sabre and cut him across the nose, the butler was lying upon the ground and the sword could scarcely reach him, or I think it would have taken his head off if he had been nearer to him, the blow seemed to go with that force.

Then the prisoner got loose? The prisoner got loose.

On seeing that, you did not secure your prisoner? I did not.

Were these the only instances that you witnessed of the conduct of the troops towards the persons who were endeavouring to save the Palace?

The only part of their conduct which I saw against the mob was of a man who endeavoured to break into Dr. Hodges's house in the same yard as the Palace, and a soldier rode to him and told him he should not do that at any rate---the man persisted at the door for a minute or two and he flourished his sword over his head.

Dr. Hodges is a Doctor of Music, is not he? I believe he is.

The Doctor of Music's house was protected? It was.

Did any party join you whilst you you were in the Palace? I went there with young Mr. Lowe and the Bishop's butler, and secured two men that we found down stairs, and just as we had secured them and put out part of the fire, a body of special constables came,---I suppose thirty or forty.

Had you bound them? No, I was for dispatching them, but I was prevented by several persons who were not so much excited as I was, and had not experienced so much as I had.

But they were secured? Yes, they were eventually secured.

Then thirty or forty special constables came up? Yes.

The party you were expecting, from what you had heard Alderman Camplin say? I hardly knew whether they would come; he said he was going to get them, but I hardly knew whether he would be able to find them.

Your small party had put out the fire? We had succeeded in doing it in one place, and had secured these two men; we were in the dark with these men, and did not know how many others might be there.

Do you recollect Alderman Camplin bringing lights? I do recollect it perfectly.

What passed afterwards?---did the party go about the Palace? The party went round the Palace; the fires were completely extinguished, and the Palace was quiet for some time, when one of the special constables came in and said,—" The military have left us—the soldiers are gone."

What happened there? A great deal of alarm was expressed by the gentlemen present that they would be sacrificed by the mob, and that they were entrapped by the soldiers; some said that the soldiers had deserted them before.

Did they rush down stairs? They rushed down stairs, and I assisted in forming them in forces in the yard;---it was recommended that they should go out in a body and disperse the mob; it was proposed by several that possession should be kept by the constables; others expressed their feeling that they should not be able to succeed against the mob, and it was eventually determined that we should go in a body, and I assisted in forming them in a body four abreast.

Was it agreed you should make a shout? To make a rush, and go out four abreast,

Were you ahead of them? I think I was very near the head.

Did you rush out? Of the number there were only about eight or nine that did not rush out. I see one of the gentlemen present who did rush out, and there were several others.

What did you encounter when you rushed out? The mob pelted us stones.

Did you find a mob coming? Yes, they were coming from the archway in the direction of the Palace.

Did the mob appear to be considerably reinforced? They were very much so. There were very few persons when I first got to the Palace; but when I came out the mob was very strong indeed.

You had to force your way through them? We had so---they gave way to us as we approached nearer to them. I had still the sword in my hand, but it was concealed under my coat, and a stick, with which I assisted in getting myself through, but they opposed us in that quarter for some time.

Was there any scuffle? There was a stand made in Trinity-street, a little beyond the station of Colonel Brereton---a street running to the right, down to the water side.

A stand was made by your party? Yes, we were pelted with stones. Mr. Franklyn received a blow in his mouth, which injured him very materially.

The troops were in the mean time out of sigh? The troops were gone.

Cross-examined by Mr. Serjeant WILDE.

Do you know the premises well of the Mansion-house---the back part of the premises? I do not know it well---I know the situation of it.

Do you know the situation of Mr. Leman's wall, as connected with the leads you have spoken of? I never observed it but that once.

Did you observe it then? I did.

Would it be necessary, in order to escape from those leads to Mr. Leman's premises, to ascend the wall? I did not get out of the window.

Then you mean you had not an opportunity of seeing? I had not.

I collect, from what you have said, you were a good deal in Queen-square on the Saturday afternoon,—was that so? I was backwards and forwards.

We learn that when the military walked upon the mob, they dispersed in the surrounding streets and courts? Yes, that was so.

Then when the military proceeded to another part of the Square, the mob they had so dispersed returned? They did.

Where were the constables when they returned, after the military had gone out from the Square? I really do not know; I think they were in the Mansion-house, and about the premises there.

So it happened, I suppose, at each end of the Square, as the military walked them out of the Square they returned? I heard the special constables say, that they had nothing to distinguish themselves from the mob, and that they did not know how soon they might be cut down.

My question was, where they were? They were in various places,—I believe most of them in the Mansion-house; but from where I was I could not see.

Where were you then? I ran from the soldiers with the mob.

At twelve o'clock on Sunday, when the military arrived and were cheered, as you say, by the mob, Colonel Brereton could see fully what was going on in the Square? The soldiers were drinking, and it appeared tolerably quiet.

How many persons on the Monday morning did you see with those knives? I should suppose from sixty to eighty; I am not at all competent to judge of the number, but that is as well as I can recollect; there might be only forty, or there might be one hundred.

There were a considerable body? Yes, there were some up with us who had knives who had not staves.

Were those knives confined to one part of the special constables? I only saw one body with them.

Do you recollect who headed that party? I do not.

Can you form any judgment of what number of those persons having knives you had observed among the rioters on Saturday? There were several faces that appeared familiar to me.

Were there as many as a dozen, or half a dozen, or twenty? I should say from eight to eighteen.

I believe after the riots were quelled, you assisted very much in the apprehension of different rioters? I did so.

Did you make any communication to the Mayor or the Magistrates on the Monday, as to the conduct of those persons whom you saw acting as special constables with the knives? I spoke of it to several persons.

Did you make any communication of it to the Mayor? I did not.

Were any of those persons tried at the late Special Commission? They were not.

But they particularly attracted your attention by shewing their knives and cutting very ferociously at you? They did.

Where were they? In Broad-street; I was in front of the Council-house.

These were instruments such as you had never seen before? They were so.

Knives, the blades of which were eighteen inches long? Yes.

That is what you say? Yes; as well as I can guess, they were from eighteen to twenty inches long.

When you arrived at the Palace, what number of persons do you think, from the best judgment you could form in the hurry, what number of rioters did you find there upon your arrival? I do not think there could be more than twenty.

Were there any soldiers there at that time? I was standing at the corner of the Green, and the soldiers asked me their way to the Bishop's Palace; I saw several standing about under the archway, and we were so few that I did not like to proceed without the soldiers.

Did you arrive about the same time with the soldiers? Yes, within three or four minutes of the soldiers.

How many soldiers were there? I think about a dozen.

The entrance to the Palace is from Little College-green, is it not? From Lower College-green.

You enter into an archway, do you not? No, a gateway, not an archway; you pass down a passage, before you come to the gateway.

In going from Lower College-green, you first pass down a passage? I will describe it: in going from College-green, you enter an archway; you are then in Lower College-green, and there is an elbow; you cannot see the Bishop's Palace from that; there is an elbow of about six or seven yards wide, and at the bottom of that avenue there are some gates.

What length do you think that lane may be—eighteen or twenty yards? I should judge myself it was about forty or fifty, perhaps thirty to fifty, yards.

Then, when you pass those gates, you come to the Cloisters—an open square yard? Yes, an open square yard, with a house in the middle of it; and then, on the right-hand corner, the Palace beyond that.

That is the only entrance to the Palace, except the little entrance to the domestic offices? I was never there before, and cannot say.

When you entered the Palace, how many did you find? The butler, addressing himself to the soldiers, said. "If you will come with me, gentlemen, there are not above three or four men in the house, and we can easily master them."

Was Colonel Brereton there then? He was.

Did Colonel Brereton remain the whole time? I wish to be understood, that I did not know Colonel Brereton till after that; I asked who it was, and he was pointed out to me as Colonel Brereton, and I then recognized him to be the same I had seen there.

You saw him at the court-martial? Yes.

Did you recognize him as the person you had seen upon that occasion? Yes.

Did you notice him well? I noticed him as a person I had seen.

Had he feathers in his hat? I think he had, as far as I recollect.

Did that person remain there during the time the soldiers pursued the conduct you have been describing? He was there during that time; he was applied to himself by the Bishop's butler, and entreated to dismount his men, and come into the house.

What answer did he give? He said he would not dismount his men, or something of that kind; he persisted in keeping the men on their horses.

By the Bishop's butler applying to him, I presume he perceived he was an officer? He had the command of the men; I heard him speaking to them.

On the man threatening to cut you down, and cutting at the Bishop's butler, did you apply to him? He was the very person who had threatened me.

Were you examined at the court-martial? I was.

Did you there give any account of this cutting down by the man, and the threatening to cut you? I believe I did, if I was asked to it; I was only examined on certain charges, and I believe I was examined on that point.

You do not recollect whether you gave that in evidence? I am not certain; but I gave in a statement to the Judge-Advocate of what I could prove; and whether I was examined to that point, I am not quite sure.

Where were the mob at the time you made the rush in the Cloisters? They were at the end of the avenue; they had come a little way down the avenue.

In that you describe as the passage leading to the Palace? Yes.

What became of you? I got out, with eight or nine others.

Were you joined by others, or did you continue in your party? I went back towards the Bishop's Palace.

What became of you then? I got surrounded by the mob.

That separated you from your companions? It did so.

Did you afterwards meet with those same persons again? I did some of them, I think.

Where was that? I do not recollect where; I have seen them since, frequently.

You describe that you made a stand in Trinity-street? No; I beg your pardon; not that I made a stand, but that some of the constables did; I did not go in that direction.

Where is Trinity-street,—is it near the Draw-bridge? No, it is close to the Cathedral.

What number of constables were there then? I should think from eight to a dozen.

Did you see any Magistrate with that party? I did not.

How long did that conflict last? I do not think it lasted above a minute.

Who do you say brought the light into the Bishop's Palace? I have some idea it was Alderman Camplin, but I am not positive.

Can you undertake to say whether you saw him in the Palace at all? As far as my recollection goes, to the best of my belief I did.

Can you undertake to say with certainty, that you saw him in the Palace from the beginning to the end? I cannot undertake to say to a certainty that I saw him there.

Can you undertake to say that you saw him in the court-yard? I can undertake to say that I did not see him in the court-yard.

Did you see where the light was procured? I had one of the prisoners in my hand, and I did not see where the light came from.

I understand that none of the rioters had broken in upon you in the house, but you heard a cry, a report, that they had increased their number, and that the soldiers were gone? I heard in the house that the soldiers were gone, and I heard that the mob was in great force at the gate.

Your party, at that time, consisted, I think you said, of about a dozen? When?

At the close, when you rushed out? No, considerably more than that, I should say.

How many more, then? I should say from twenty to forty, more or less.

What number of persons had gone with you, in the first instance? In the first instance, I think there were not more than three, besides myself.

I do not mean just at the moment of entering the house? No others went with me.

The first party, if I may so call it, consisted of three? Three, besides myself.

What was the strength of the next party which arrived to your assistance? I did not see them all at once; I only saw them in detached bodies, I should say from four or five and twenty, or from that to thirty or forty.

Did that comprize the body which were formed into fours, to fight their way out? Yes, part of them, and others were still in the Palace.

Had any other persons swords, besides yourself? There were several with pistols, but I do not know that there was any sword; I had a brace of pistols myself.

Do you know who those were who had pistols?—had they joined you at the moment? I did not know who they were; I had heard it said they had pistols, but they were afraid to use them.

How long do you suppose you were there? I should think about half an hour to an hour, but I cannot be certain to the time.

Had you perfectly extinguished the fire before you left? We had so.

Had the fire made much ravage in the Palace, up to that time? It had not; the chief part where I assisted in putting the fire out was in a bed; several books were placed in a bed and ignited, and it was smouldering.

How far do you think the mob extended, that you had to force your way through?—it began in the passage, as far as the archway, in College-green? I could not see, there was a gass lamp that prevented my seeing further on.

How far had you occasion to break through? Perhaps I had to break down three or four; they gave way as mobs do generally with a little perseverance.

Did the mob extend as far as the archway? We met several detached parties coming up hurraing, with their staves in their hands, legs of chairs, and things of that kind; we were pelted the whole way. There is another circumstance I would wish to mention,—Mr. Phillips, the sub-sacristan of the cathedral, laid hold of a man with an umbrella; a soldier threatened him, if he would not let him go.

Mr. Justice Parke.—A gentleman of the jury wishes to know, whether, with those you saw with knives, on the Monday morning, there were any members of the Political Union? I do not know any member of the Political Union; I proposed taking these men into custody; but it was objected that there was no gaol to put them into, nor any place of security to put them in.

Another question a gentleman wishes to ask is, whether Mr. Herapath was there? I did not notice him; I have an indistinct recollection that he was there; but I did not notice him.

Re-examined by Sir James Scarlett.

Respecting Alderman Camplin you will not swear, but to the best of your recollection he brought a light into the Palace? I cannot be positive; but to the best of my recollection he was there.

It is possible you may be mistaken, but you believe you did see him there? Yes, I saw Mr. Alderman Savage there, in the Palace; I think I saw Mr. Ludlow, but I am very indistinct in my recollection.

To the best of your recollection you did see Alderman Camplin there, bringing a light? Yes, but Phillips was the first man I saw.

If I understand you rightly, a party you formed to force their way through the archway did not all force their way through? I do not know which way they escaped.

Do you happen to know whether there are not some back doors of the houses surrounding the Palace-yard, that open into the Palace-yard? Yes, I think there are; I know that there is a garden and a garden wall, and that garden wall is at the back of Trinity-street; it forms a part of Trinity-street.

I ask whether it is not possible, though you have no knowledge of that, that some of those left behind escaped that way? I think they must.

Mr. RICHARD BOUCHER CALLENDER sworn.—Examined by Mr. CAMPBELL.

I shall examine you very shortly,—I believe you are an attorney at Bristol? I am.

On the morning of Sunday, the 30th of October, 1831, did you see Mr. Pinney, the Mayor? I did.

About what o'clock? About twenty minutes to half-past nine in the morning.

Who was with him? Mr. Alderman Abraham Hilhouse.

Where were they? They were standing at Mr. Hole's, the gunsmith's, at St. Augustine's Back.

Is that a street in Bristol? It is a row of houses that runs facing the water, leading to the Drawbridge.

What were they doing? They were conversing with Mr. Hole, who is a gunsmith.

I do not know whether you heard what passed? I did not.

Did they afterwards require any persons to go to the Guildhall? Several.

In what manner did they do so? Alderman Hilhouse came across the road, and stopped every person who went past.

Was the Mayor by? Yes, he was by, and from what I saw he requested Alderman Hilhouse to do so.

In what terms did Alderman Hilhouse address those persons? He went up to them, and said, "I press you, in the king's name, to assist us to put down the riots."

Did he give any directions where they were to go to? He desired them to go to the Guildhall.

You say that Mr. Alderman Hilhouse, as it appeared to you, by direction of the Mayor, said I press you in the King's name to assist us in putting down the riots? Yes, he did.

Then he directed them to the Guildhall? Yes, he did.

Was there a gentleman of the name of Mintorn with you? There was.

Did you and Mr. Mintorn cross over to the place where the Mayor and Alderman Hilhouse were? He went down the middle of the road in order to meet them—in order to hear what it was.

Did they express a similar request to you, and your friend Mr. Mintorn? They requested both of us to go to the Guildhall.

For the purpose of assisting in putting down the riot? Yes.

That request was made to every one who passed? Yes, while I wsa there, it was.

Did you hear any particular answer given by any person that refused? From several.

Did they assign any reason? They did, as nearly as I can recollect, they made use of these words, "Why should we go and protect the Corporation's property?—let them protect their own property."

Cross-examined by Mr. Serjeant WILDE.

How long did you continue in that street, St. Augustine's Back? Perhaps about from four to five minutes; we waited a little time at the Drawbridge, to take notice of persons coming down.

Did you know any of the persons that Mr. Hilhouse addressed? I did not,—they were strangers to me,—they were very respectable looking people.

Were they persons passing down the street? Passing towards the Drawbridge, from College-green.

About half-past nine was this? About half-past nine, as near as possible.

In what language do you say that Mr. Alderman Hilhouse addressed

you? He came up to me and Mr. Mintorn, and said, "I will thank you to go to the Guildhall to assist in putting down the riots;"—and I think he added that weapons would be furnished.

But to others he used the language you have exppressed? Yes, "I press you."

At what time did you arrive at the Council-house, or the Guildhall? I did not go to the Guildhall.

Did you go to the Council-house? I did not.

No part of the day? No part of the day; I was proceeding towards the Guildhall, and I met one or two, and they told me it was of no use,—that the citizens would not turn out, and for that reason I declined going.

Who were the persons you met, who made that communication to you? It is impossible for me to call to mind, it is so far back; I might possibly have recollected them at the time, if I had been asked.

Was this while persons were proceeding to church, or before that time? I was on my way to church.

Did you remain in Bristol during that day? During the time I was at church, we heard the firing; myself, and one of the churchwardens, together with one or two others in the church, went out, and enquired what it was about; they said the soldiers, at last, were doing their duty; I think those were the words.

The question I asked, was, whether you remained in Bristol during the Sunday? No; I do not live in Bristol,—I returned home.

I understood you were an attorney, residing in Bristol? My office is in Bristol.

Did you remain in Bristol during that Sunday? I did not.

Where is your residence? The lower end of Clifton.

Is that the end nearest Bristol? No, the furthest end.

That would be about a mile? About a mile and a half.

Were you in Bristol at any time on that Sunday, after church time? I was.

More than once? I was in Bristol from five o'clock till about half-past seven.

You were absent from it from the time the church concluded, till five? I was.

Where you at Clifton? I was.

Mr. Mintorn, I think, was the name you mentioned?—did you see him any more that day? I did not.

Re-examined by Mr. Campbell.

How were those persons dressed that refused to go, stating that they would not defend the Corporation property? Very respectably.

Mr. Justice J. Parke.—He has said that they were very respectable looking people.

The Rev. JAMES BULWER sworn.—Examined by Mr. Follett.

I believe you are a Clergyman? I am.

During the Bristol riots, were you residing in Clifton? I was.

Were you in Bristol during the Sunday of the riots? I went down there after church, on Sunday.

I believe you were in different parts of the town on that day, were you not? I walked to the Mansion-house, and made enquiries respecting the transactions of the morning.

Were you in other parts of the town during the morning?—I do not want to know particularly where you were, but did you go to different parts of the city? I saw the mob at the Bridewell.

Were you at Lawford's-gate? That was in the evening; I walked in the morning round from the Mansion-house to the Bridewell, and back to Clifton; I saw a part of the 3d patroling.

During the time you were in Bristol, had you any means of ascertaining the disposition of the inhabitants, whether there was any disposition to assist the Magistrates in suppressing the riots? In the morning the streets were very clear,—there were very few people moving about.

Mr. Justice J. PARKE.—That is no answer.

Mr. FOLLETT.—Had you any means of ascertaining, during the day, the disposition of the inhabitants, whether there was any disposition to assist the Magistrates in suppressing the riots? At a subsequent period, I had.

What judgment did you form as to the disposition of the inhabitants, whether they were disposed to assist in suppressing the riots, or to encourage them? Anticipating a horrible night, I went out ———

Will you answer the question?---What judgment did you form of the disposition of the inhabitants? So long as the outrages were confined to the public buildings, they approved of them; when private property was attacked, this feeling was changed: I think some were anxious to save the property, but the mass of the people were still indifferent about it.

You were going to state your means of forming that judgment; it appears you had a conversation with the different persons about? I mingled with the crowd standing about the streets and on Brandon-hill, looking at the prison on fire.

Mr. Justice LITTLEDALE.—About what time was that? About half-past four or five o'clock.

Mr. FOLLETT.—What observation did you hear from those persons? I heard them say, that it served them right, meaning the Corporation, for bringing that arrogant villain, Sir Charles, down to insult the citizens of Bristol.

That you heardon Brandon-hill? I did.

What class of persons were they whom you heard make use of those expressions? I think respectable, but I was a stranger; the gentlemen had silk umbrellas over their heads, and the females had silk cloaks and pelisses.

There were respectable inhabitants? They were.

Did you hear any expressions as to the conduct of the 14th? Yes, I heard opprobrious epithets applied to them; I heard them called "the bloody blues---murderous villains---and murderous dogs---for killing an innocent boy at the bottom of Park-street."

I believe also you mingled with the people at the Toll-Gate, when the prison was on fire? I did.

What sort of observations did you hear from the whole, or from any one? I met two or three; I conversed for two or three minutes with a mechanic, standing at the Toll-Bar, to ascertain the state of feeling of the people.

What did you hear from him? He expressed approbation of what was going on, stating that were it not for the boroughmongers, the rascally lords, the pensioners, and so forth, there would be enough for all, but they took the bread out of the mouths of the poor, and then sent soldiers to shoot them.

Was any thing said about the fires? He said the fires were very horrible; I do not recollect any thing further.

While you were talking with him, was the Toll-Gate on fire? It was assailed while I was talking to this individual, and destroyed.

After the Toll-Gate was destroyed, did you hear a cry from the mob---"Lawford's-Gate?" I did, outside the gate.

Did the mob take a direction towards Lawford's Gate? They did.

I believe you followed them? I walked on the pavement, while the mob walked along the centre of the street, holding up their bars in the faces of the people, and asking, "Are you for Reform?"

Mr. Justice LITTLEDALE.—What had they? Iron bars and sticks.

Mr. Follett.—As they passed through the different streets, did you observe the manner in which they were received by the different inhabitants? A great number of respectable people were standing at their doors, and no opposition was made to their progress.

When you say there was no opposition, did you hear any shouts of encouragement? I did, subsequently.

What was it you heard? I heard, "Go it, my boys,—take a turn on of them."

Who were the persons you heard say that?—what sort of persons were they? I heard that observation at the door of a shop that was open, whether by the proprietor or not I cannot say; but a person standing at the door of a shop

You went up and saw the prison destroyed? Yes, I did, with Lieut. M'Leroth.

What regiment was he in? The 38th.

You went afterwards with Mr. M'Leroth to the Council house? We heard, at Lawford's Gate, that the Bishop's Palace was the next object, and we went to the Council-house; the Magistrates were not there, but at the Military Office.

At Colonel Brereton's office? Yes, and we went on there.

You learned at the Council-house, that the Magistrates were at Colonel Brereton's? The side door was open, and the porter told us they were there.

I do not want you to go through the whole of what you saw that day; but were you at the Bishop's Palace, or near it, when the mob attacked it? I was; I went down with the Mayor.

Was the first time you were at the Palace, when you went down with the Mayor? I was there twice—the first time it was not with the Mayor; I was there before.

You were there, I believe, when the first part of the mob came up there? Yes, after having been with the Magistrates into the Military Office, I was.

Did you see the gate thrown down? I did; it separated me from Lieut. M'Leroth.

The mob then got into the Palace? Yes.

Upon that did you go towards the Council-house? I ran as fast as I could to the Council-house to the Magistrates.

Did you meet the Mayor's party coming out? At the door of the house I met them coming out, and I went up with the Mayor and the Magistrates.

Did you observe the attempts made by the Mayor and Mr. Serjeant Ludlow to get persons as they passed to join them? Yes, we all called on t e persons we passed to join the Mayor's party.

Was that call obeyed? It was not.

I believe when you got into College-green you left the Mayor's party and went forward? I walked with the Mayor to opposite the Dean's house; I then left the Mayor and ran after the special constables and came up with them in the Cloister-court.

Mr. Justice Park.—You do not propose going through this, I suppose?

Mr. Follett.—No, my Lord, I do not. (To the Witness.)—I believe after that you returned to Clifton? No, I did not.

Did you not return to Clifton that night? Yes I did, afterwards.

Cross-examined by Mr. Serjeant Wilde.

Had you performed any duty that day? I had officiated at Clifton church.

What was the earliest hour at which you came into the city? Half-past one.

What was the first thing that attracted your attention in the city—where did you go first? On the Drawbridge I saw a party of the 3d patrolling the opposite side of the river.

Where was the first group you mixed with? On Brandon-hill.

In the evening? In the afternoon.

What distance is Brandon-hill from Bristol? It is half-way between Clifton and Bristol.

Were there a considerable number of persons there? A great number, a great many groups; it was raining hard.

Were there many groups, in this rain, of ladies with silk pelisses? There were.

How many groups might you join? I joined in conversation with four or five.

At what other places did you join any group? In Prince's-street,—at the bottom of Prince's-street.

About what hour was that? About half an hour later,—I cannot speak precisely.

You speak of the mob having gone from the Toll-gates to Lawford's-gate, and the shouts of approbation; I think you said that you observed one person standing at a shop door who addressed them in the language you have mentioned; do you say that the shopkeepers cheered? I mean to say, that that shopkeeper cheered,—that individual.

Do I understand you that the shopkeepers in any instance during which the mob passed, cheered? When the iron bars were held up in their faces, and the people asked whether they were for Reform, they all assented.

Did they hold the bar up in your face? They did.

Did you lay hold of it? I did.

Did you retain it? I did,—it was left in my possession.

The mob allowed you to retain it? It was before the first attack, between the Military Office and the gate, when the first part of the mob went up to the Palace.

In what numbers were the people at the time you seized the bar? There were a few boys only.

Were they boys that held up the bars in persons' faces? They were boys and grown-up people both.

Of what number might the mob consist at the time they held up those bars in the faces of persons? The active part who carried the hammers and bars was but small.

Was the surrounding multitude large? It was,—the city had turned out as on the night of an illumination.

I understand you that the groups dressed in the manner you have mentioned, used the language you have described to the Blues? Yes, on Brandon-hill.

The ladies and gentlemen with silk umbrellas and silk pelisses? I had no other means of judging of their respectability but by their dress.

Those were the persons who used the expressions about the bloody blues and so on? Yes, they were.

JOHN HOBBS sworn.—Examined by Sir JAMES SCARLETT.

Are you one of the night constables for the wards of Bristol? Yes.

Of which ward? St. Michael's ward, St. Augustine's parish.

Do you remember the Magistrates meeting at the Guildhall on the Sunday morning? I do.

Were you stationed at the Guildhall any part of that day? I was, in the morning about half-past ten by Mr. Brice.

Mr. Brice, the gentleman who sits by me? Yes.

What were your orders? My orders were to stand by the great door at the Guildhall, and to direct every person who wanted to see the Magistrates to go in at the Guildhall Chambers door, which is the side entrance.

Were you driven from your post at any time during the day? I was.

About what o'clock was it? About twenty minutes past one.

Had you been aware that notices were sent to all the parishes to assemble at the Guildhall? I cannot speak to that.

According to the best of your recollection, how many people do you think, between half-past ten and half-past one, when you were driven away, might have come there to enquire, or that you gave directions to? I should say from fifty to one hundred.

What is the street that the Guildhall is in? Broad-street.

Is Broad-street one of the ways which would lead from Queen-square towards the Bridewell? Certainly.

What drove you from your post about half-past one? I should think there were from a hundred to a hundred and fifty rioters coming down Broad-street.

Did they seem to know you? I was immediately recognized by them.

Had you any particular dress on? I had not.

What did they do to you? They began throwing stones at me.

What did you do? I was obliged to escape to another part of Broad-street, into one of the avenues.

Was that an avenue on the opposite side to the Guildhall? Yes.

Then they passed by you? They did.

Had they any weapons in their hands? The first of them was dressed in a smock frock—he had an iron rail, part of an iron bar, over his shoulder.

Were there any hammers amongst them? I did not observe any hammers; the rest were armed with pieces of shutters—I conceived pieces of wood, and staves.

Did they go rapidly by? They first made a bit of a stand, and a throw at the Guildhall-windows.

Then they went on? Yes, they went on through John-street.

This you say was about half-past one? Yes, about twenty minutes, or half-past one.

When they had passed by, did you return to your post? I did.

How long did you remain there? I should think till half-past three.

Did you observe whether, at three o'clock, any more persons came to the Guildhall? I saw several come there, sometimes by twos, and by threes,—not a great number.

How many in the whole, do you think, came from three o'clock till half-past three? Not so many as I saw in the morning.

What made you go at half-past three? I was completely fatigued by the usage I had received on Saturday.

I have not asked you about that, for we have had enough of that;—you was completely exhausted? I certainly was.

Was there anybody there to relieve you at the time? Not that I am aware of.

You went away yourself? I did.

Did you go to bed? I did not.

But you went home? I went home.

Were you out that night, or in bed? I was out.

Do you remember any one of the Aldermen, the Justices, coming to you a little after three? I should say, about a quarter before four, Alderman Camplin came to me.

What did he come to you about? He asked where the troop was.

Did you go with him? I did.

Where did you go? To Leigh's Bazaar.

Whom did the Alderman seek there? He sought after an officer, I believe, belonging to the troop—he asked for one.

Did he find one? I believe he did—he spoke to one whom I understood to be Captain Warrington.

What did he say to Captain Warrington.? He said "You must immediately go to Queen-square, or else the whole of the square will be burned down."

What did Captain Warrington say ? He said, "The men were all tired, and the horses,—I cannot send you more than twenty-four."

What did Alderman Camplin say to that ? I then saw the officer present a letter to Alderman Camplin.

What remark did he make ? I heard Alderman Camplin say, "a very proper one." I do not know the contents of the letter.

Was it said by either of them from whom the letter came ? I did not hear that.

What was done then ? We proceeded then to Unity-street.

You and Alderman Camplin ? Yes, and several other people were in company.

Did Csptain Warrington go with you ? Yes, that officer went with us.

What to do? I did not know their business at the time.

But they did go to Unity-street ? They did.

When they arrived at Unity-street, for whom did they enquire? For Colonel Brereton.

Then you ascertained that you were going to Colonel Brereton's lodgings, I suppose ? Yes.

What answer was given ? That he was not there ; two females from a window said, "He is not here."

Did Alderman Camplin say any thing ? He then inquired if some other gentleman, whose name I forget, was there.

What was the answer ? They said, "yes."

Did the Alderman go in ? Yes, he did.

Did you see Colonel Brereton there at all ? I did not—I went down directly to my watch-house.

How soon did the Alderman come again ? I should think about hallf past four.

This had taken about three quarters of an hour? Yes.

What directions did he give you at half-past four, when he came ? He asked me to go to the Square with him ; I said I would go any where with him.

Did he say for what reason you were to go to the square ? He said we must go to the Drawbridge to wait for the troop.

Did you go ? I did.

Did the troop come and join you ? They did.

Who was at the head of it ? I believe Colonel Brereton was there.

How many men ? I should think upwards of twenty.

How long might you have waited at the Drawbridge before the troop came ? About twenty minutes—it was getting on for nearly five, I should think.

What did the Alderman do when the troop came ? He joined the troop—he went on foot.

Did they go to Queen-square ? They did.

Did you go with them ? I went as far as the avenue leading to Mr. Claxton's—the mob began to disperse, and to go in all directions at that place, and I was obliged to seek safety for myself.

The troops began to act upon the mob ? They did.

And you then left them ? I did.

You left Alderman Camplin in the Square with them ? I did ; I did not see them after I entered the corner of the Square, by Mr. Claxton's.

Cross-examined by Mr. Serjeant Wilde.

Mr. Claxton's is at the corner of one of the entrances to the Square ? Nearly.

Which corner is that ? The corner towards the Grove, the lower part,—the western side.

Is that the side towards Princes-street? It is to the right of Princes-street as you enter the lower avenue of the square.

What is the length of that avenue into the Square? Not very long.

Is it an open street? Yes.

And you left it at the corner? Not quite at the corner.

Do you mean before you got to the corner? No, inside.

Do you say the troops had begun to charge before you left? They had begun to act.

What do you mean? They rode into the corner,—the mob began to disperse from that part, and I left.

Then, by beginning to act, you mean that they proceeded to the Square? Yes.

Did you see them do any thing more than that? I did not.

Did you search for any other troop except the troop at Leigh or Fisher's? Certainly not.

You did not search for Captain Shute's troop? No.

You said the mob posted down George-street from Queen-quare? John-street.

When you got to John-street, at the bottom there is a passage, and a flight of steps? Yes.

How many people can pass abreast down those steps, to get to the Bridewell? I should think five or six.

There are two flights of steps, are there not? There are.

And when you got to the bottom of those steps, you passed through rather a narrow passage? Yes,—not very narrow.

How many persons could stand abreast in that passage? I cannot say.

Do you think as many as ten could stand abreast? I do not know.

Cannot you form a judgment whether ten or twenty would stand abreast there? Perhaps ten.

Then you have to cross a street, and then you enter another narrow passage? You have.

That leads to the Bridewell? Yes.

What number of constables had you assembled at the Guildhall, at any one time, during that morning? I did not go into the Guildhall.

But you would see them arrive, I suppose? They came sometimes one and sometimes more, and they enquired which way they were to get into the Guildhall, and I directed them, and I cannot say how many were collected at one time.

You understand my question applies to the constables? Yes.

Do you think as many as one or two hundred? I cannot say,—the persons that enquired of me to go into the Guildhall were from 50 to 100.

Do you mean that that is the total number of persons, including constables, and all others? Yes, that enquired of me.

Independently of the persons that enquired of you, were there many persons that passed up the Guildhall chambers, without making any enquiry? I cannot say that, because the Guildhall chambers are at some distance from me.

Which door did you stand at? At the large door.

And the Guildhall chambers are about three or four doors beyond? Yes.

Quite within sight? Yes.

Had the special constables any thing to distinguish them in their dress? Not that I am aware of.

Did any of them come with their staves? I did not see any.

You might approach the Guildhall, either by coming down Broad-street, and passing you at the great door, or by coming up the other way, might you not? Certainly.

Were you the only person stationed at the door? I was.

Mr. VALENTINE HELLICAR sworn.—Examined by Mr. CAMPBELL.

I believe you are a merchant residing at Bristol? I am.

In Queen-square? Yes.

On which side of the Square? The east side,—the left side.

Your house was not burnt? It was not.

Did you observe what was passing in Queen-square, upon the Sunday night we have been speaking of? I did.

The whole night? The whole night.

In your judgment, from your observation, how many persons were there assembled, in the Square, on Sunday night? I should imagine from eight to ten thousand.

Did they continue in the Square during the whole night? During the whole night.

Were there shouts and cheers from the mob, from time to time, during the whole night? There were.

Did the cheers appear to you to be general? I thought so.

Not merely from those actually engaged in firing the houses, but general all over the Square? All over the Square.

Did you see a party of the 3d dragoons there, during the night? I did, at various times.

Did they ever join the cheers? They did,—once particularly.

Did any of them take off their helmets? They did.

What did they do with their helmets? They cheered, and waved them in their hands.

Was any thing said, at that time? I was not near enough to hear what was said; it happened whilst the Custom-house was in flames.

From what you observed would it have been possible for the Magistrates, that night, to have put down the riot in Queen-square, without the co-operation of the military? Decidedly not,—it was impossible.

Cross-examined by Mr. Serjeant WILDE.

Were you at home upon the Saturday afternoon and evening, as well as the Sunday? I was.

Did you attend a public meeting at Bristol, after those riots? I did.

You said, that upon the Sunday you thought the military were necessary to put it down? I did.

Have not you said, that in your judgment fifty good policemen would at any time have put down the Riots? Decidedly not.

Was that the case at any time? Early on the Saturday probably it might have been done, but I am sure I never said fifty, but that a civil force might have done it.

To how late on Sunday do you think a civil force could have done it? On Saturday.

On any part of Sunday? I think not, except probably very early in the morning,—before seven o'clock.

Did you speak at the public meeting? No, I did not.

Did you second any resolution? I did second a resolution.

Were those resolutions, which you seconded, condemnatory of the Magistrates and the military? Courting an enquiry, I believe, into the conduct of the Magistrates and the military.

As you had had an opportunity of seeing Queen-square, on the Sunday, and think that the military were necessary, what was it that you doubted about the propriety of the Magistrates' conduct? I was impressed with the belief that was generally current, that the Magistrates had declined giving the military orders to fire; I subsequently learnt that I was wrong upon that subject.

Then you thought the Magistrates blameable for not having given the orders to fire? I was impressed with a belief that was current immediately after the riots.

And you attended this meeting to procure enquiry? I did.

Was that meeting numerously attended? I think it was.

By respectable persons of all parties? At the first meeting it was certainly taken up by all parties; at the second meeting at which these proceedings, I believe, originated, it appeared to me to be as much confined to one party, and to be conducted so much with party spirit, that I declined having anything to do with it.

My question was, whether the first meeting was numerously attended by respectable persons of all parties? I think it was numerously attended; there was no public meeting called,—it was accidentally, I believe, in the Commercial Rooms.

Mr. Justice PARK.—It was numerously attended and by persons of all parties? I think it was.

Mr. Serjeant WILDE.—Was the occasion that the Magistrates ordered the men to fire, that has since operated on your mind? I think it was the explanation that was published in the Bristol papers by the Magistrates, which I considered quite satisfactory.

Are you alluding to the copy of the statement to Lord Melbourne? There was a general statement in the Bristol papers.

Is that the statement you are referring to,—a statement purporting to be a letter to Lord Melbourne? I think it was the only statement that was published.

That was the statement that altered your opinion? It satisfied me.

You have not answered me when the occasion was that you understood the order was given to fire? The only explanation that I had was this that I tell you, the publication of the exculpation of the Magistrates.

Then it is the information contained in that paper which has altered your mind? It persuaded me that the Magistrates were not blameable.

Did you attend the second meeting? That originated in the other.

Did you attend it? It was at the second meeting that I seconded this resolution.

Am I to understand you, that it was at that second meeting, at which the thing was taken up with so much party feeling, that you seconded the resolution? It was.

That resolution, I believe, blamed both military and Magistrates? No, I think it blamed the Magistrates alone.

Did you second more than one resolution? I am not aware that I did at the first.

As you seconded only one resolution, did not that blame both Magistrates and military, and pray for enquiry? It did.

If there is anything you wish to add, you can do so.

Sir JAMES SCARLETT.—I suppose that resolution was in writing?

Mr. Serjeant WILDE.—Do not suppose anything, but ask what you are entitled to by and by.

WITNESS.—At the first meeting I am not aware that I seconded a resolution, but I remember being appointed one of the committee with gentlemen of all parties to draw up some resolutions to be submitted to a future meeting; those resolutions I seconded, but they were negatived by the meeting; and one of the gentlemen of the committee, whom I see present, who has taken an active part in those proceedings, seconded a second resolution which I did not at all approve of, and it was thrown out. I saw so much party feeling and so much persecution, as I thought unjustly, that I determined to quit my hands of it altogether; my object was not party spirit at all.

Was not a resolution seconded by you condemning the Magistrates and military and praying for an enquiry, and was not there an amendment that

was carried, excluding all blame upon anybody, and only praying for enquiry? I cannot charge my memory,—it is a thing I have never thought of from that time to this.

Mr. Campbell.—Was it not a written resolution?

Mr. Justice Taunton.—I have thought long ago, that this may be extremely interesting as matter of local politics, but I do not see what connection it has with the present information.

Mr. Serjeant Wilde.—The connection it has is this,—that when the witness was stating he was satisfied that they could not be put down without the aid of the military, he had at one time entertained and expressed a very different opinion.

Mr. Justice Taunton.—That he has stated, and he has explained why he entertained that opinion and why he altered his opinion.

Mr. Serjeant Wilde.—You made a speech at that meeting—I ask you if you did not make a speech to induce persons to vote that the military and the Magistrates were to blame, and that enquiry must be made into their conduct? I think you must be wrong,—I do not remember ever having made a speech at a public meeting in my life.

You seconded the resolution? I did.

Did you speak when you said that? I merely said, "I beg to second it."

Mr. Justice Taunton.—He said before, that he made no speech, but only seconded the resolution.

Mr. Serjeant Wilde.—Was the resolution that was moved in writing or not? The resolution that I seconded was decidedly in writing.

Do you know whether the amendment that was moved was in writing, or was merely introduced in the gentleman's speech? I should presume it was in writing, but I cannot take upon me to say.

What was the gentleman's name who moved the amendment?—was it Mr. Manchee? I do not recollect; I think the party I allude to was Mr. Waring; I think he seconded the amendment—he certainly moved against the original resolution, and supported the amendment.

I ask you, if the gentleman that moved the amendment did not make a speech to induce the meeting not to vote disapprobation upon any body, but to make enquiry? I cannot charge my memory about that speech.

Can you give me the dates of the meetings that you attended? I cannot.

Will you undertake to say, that that statement of the Magistrates that you read, was not published before the second meeting? I cannot.

I believe your general politics are with the Corporation? I am not aware that the Corporation have any politics—at least they have local politics; but whether Whig or Tory I do not know—they are some of all parties.

Have you never happened to hear at Bristol whether the Corporation are Whig or Tory? There are individuals of both parties in the Corporation.

The majority of the Corporation—have you happened to have heard how they are? I cannot say.

Re-examined by Mr. Campbell.

Were you upon the Committee of Enquiry? No, I was not.

Was it from what you witnessed at this second meeting, that you thought the enquiry was likely to be conducted with party-spirit? It was; it was so evidently, and the gentlemen who originally took it up with myself, agreed with me in opinion.

You say, that early on the Saturday you think the riot might have been suppressed by a civil force—to what time on the Saturday? I should think till so much damage had been done to the Mansion-house—two hours after Sir Charles Wetherell came to the Mansion-house.

With respect to the Sunday—you say, that at seven o'clock on the Sunday there were very few persons there? Very few; they were only beginning to assemble.

After the mob had assembled on the Sunday morning, they attacked the Mansion-house; was it then, in your judgment, possible to put down the riot by a civil force? I do not think it was.

Mr. Justice PARK.—One of the gentlemen of the jury wishes this question to be asked:—Did you assist, at any time during the riot, to suppress the mob, or to extinguish the fire? I did; I attended the procession that escorted Sir Charles Wetherell, on its reaching Bristol Bridge; from thence I proceeded, protecting the carriage from the assaults upon it, to the Guildhall.

Mr. Justice PARK.—I do not suppose it is necessary, in order to answer the question of the gentleman, to go into detail.

FOREMAN OF THE JURY.—We are satisfied with the answer, without any further detail.

WITNESS.—I apprehended the first man that was taken, and delivered him up into custody.

Mr. ISAMBIRD BRUNELL sworn.—Examined by Mr. FOLLETT.

You are a civil engineer? I am.

You are a son of Mr. Brunell? I am.

Were you at Bristol during the riots? I was.

I believe you were actively engaged in rendering what assistance you could, during all the time of the riots? I was.

You were at every place, I think, where the mob was? No, not at the prisons; I was at the Mansion-house and the Palace.

Had you an opportunity of observing who the persons were that were engaged with this mob? Yes.

Did you observe, also, the conduct of the multitude that were not actually engaged? I did.

Did the multitude in general assist, by their shouts and presence, the mob? At first they were indifferent, allowing the mob, and always making way for them; and towards dark, certainly, a great number of them shouted.

What were the sort of shouts? When the military came, they shouted "The King and Reform;" but before that I cannot describe the sort of shouts.

Those shouts of "King and Reform" came from the multitude in general? Yes.

Were you at Bristol upon the Monday, when the special constables began to be formed? I was.

Did you observe amongst any body of special constables, any of the persons you had seen active in the riots upon the preceding days? Several.

Was there any particular body in which you recognised a great number of those persons? No, I did not recognize any particular body, but some three or four who had been exceedingly troublesome upon the Saturday night, in front of the Mansion-house; I recognized one in particular.

At what time, on the Monday, did you see those persons who had been actively engaged in the riots, acting as special constables? They joined a party with whom I was, at half-past seven.

Cross-examined by Mr. Serjeant WILDE.

The three or four persons whom you saw acting as constables upon the Sunday---what did they do upon the Saturday? One, in particular, rescued a prisoner twice from my hands.

When you saw him acting as special constable upon the Monday, did you enquire his name? No, I did not; I spoke to him, and reminded him that I had seen him the night before.

Did you report him to any of the Magistrates? I mentioned him, but finding that I recognised him, I suppose, he left the party with whom he was.

Did you mention him to any Magistrates? I mentioned the circumstance but not his name.

Do you recollect which of the Magistrates you mentioned it to? No, I cannot.

Do you recollect what body he was in? I mentioned that he joined the body of which I formed one,—a body of the special constables.

Who headed that body? I do not know the gentleman's name.

Did you point this man out to the person who had the lead of that party of special constables? I rather think I did; but we had plenty to do without that.

The two or three others that you speak of, were they in your party also? No, one of them came and spoke to one of our party.

What had you seen those persons doing on the Saturday? The other man was a man that struck me.

Did you at all enquire his name? I did, of a constable who knew him, and I think I learnt his name, but I forget it.

Did you mention that person to the Magistrates? I think I did.

How long did you see those persons acting as special constables—did you see them, at various times, during the day? I think I did.

Were they armed at all upon the Saturday? No.

Mr. CHRISTOPHER CLAXTON sworn.—Examined by Sir JAMES SCARLETT.

I believe you are a half-pay officer in the navy? I am, and I hold a situation under the corporation of Bristol.

What is your situation? Corn-meter.

A day or two before the 29th of October, did you make any efforts to secure a body of the seamen? Not a day or two before,—I think ten days before; it was on a Tuesday.

Did you collect a body of the seamen together, for the purpose of enrolling them to keep the peace? I collected them to try them for that purpose, but I was prevented; a body of men came down and prevented us, by getting into one of the ships with which I am connected with Mr. Pinney, and if I had not dissolved the meeting, we should have come to blows.

Who were those body of men?—did you know any of them? I knew only two of them; one of them was, I was informed, and understood from circumstances that took place before, the secretary of the Political Union.

It was a person of the name of Ven was it not? No, Powell.

How many persons came with him? I did not see them coming along the Quay, but I should think more than two hundred; they came into a ship nearest to the Quay; I was in a ship next to it.

Then your object was known, was it? I presume so.

What steps did they take to prevent you? Merely interrupted me.

Was it by language, or by violence, or by what? I heard a cry, "Set to work, Powell;" I was asked a great many questions, and I gave answers, but really cannot recollect the questions.

Do you remember, about the same period, or between that time and the time of Sir Charles Wetherell coming in, any meeting that was said to be of the Political Union, in Queen-square? Previous to that, the Monday after the Reform Bill was thrown out by a majority of 42 in the Lords.

There was a meeting of a party that was called the Political Union? I am not sure whether it was called the Political Union, but there was a meeting of a party, and the chairman of the Political Union was in the chair.

Who was that? Mr. Herapath.

Did you hear any speech made? I heard one speech; I heard part of one speech distinctly.

Were there a good many people assembled? I should think, being a tolerable judge of numbers, from having mustered a great many men of war's crews, there must have been 4,000 people, at least.

What was the sort of language used? The language addressed by this individual, who made this particular speech;—it is so long ago, that I should be sorry to say that I could repeat every word of it; but I think I could.

Perhaps you can repeat some of it,—I do not want the whole speech? I could not give you the whole speech, for it was an hour long, but the part I recollect was calling the people to come forward with their pence, and to recollect what the Catholic rent had done in Ireland.

Mr. Justice TAUNTON.—Do you think, Sir James Scarlett, that it is necessary for us to hear this speech? It is important, my lord.

Mr. Justice TAUNTON.—If you give one part of a speech, and it makes one way, undoubtedly the other side will be at liberty to give the other part, which may tell the other way; if you give one speech, having one tendency, they will have a right to give other speeches; and if they do so, probably all the public speeches, the first of which appears to have been an hour long, will run to a considerable length.

Sir JAMES SCARLETT.—Except to save time, I should have no objection if they were all given.

Mr. Justice TAUNTON.—In stating thus much, I am only giving my own individual impression.

Sir JAMES SCARLETT.—You hear what my Lord says, and therefore I will not trouble you to repeat any of the speech; did you see the multitude assembled in Queen-square, on the Saturday and the Sunday? No, I was eighteen miles from Bristol.

Mr. JAMES WILLIAM GIBBONS sworn.—Examined by Mr. CAMPBELL.

I believe that during these riots at Bristol, you were a clerk of Messrs. Burges and Brice? I was.

Did you remain at the Mansion-house on Sunday night? On the Saturday night.

You were there on the Sunday morning? I was.

Do you recollect, on the Sunday morning, the mob attacking the Mansion-house? I do.

In your judgment was it necessary that the Mayor, and those who were in the Mansion-house, should leave it to save their lives?

Mr. Justice PARK.—That is proved by the witnesses on both sides, and not disputed.

Mr. CAMPBELL.—Where you present when the Mayor made his escape from the Mansion-house? I was.

Was he accompanied by Major Mackworth? He was.

How did Major Mackworth and he make their escape? From a window at the back part of the premises.

Upon some leads? Upon some leads.

Did they descend from the leads? They descended from the window to the leads, and from the leads they got upon the wall, and from the wall the Mayor got down a ladder, and also Major Mackworth.

Did you see them go down the ladder together—the one after the other? I did.

Did they from thence get to Mr. Leman's house? They did.

And so to the Custom-house? And so to the Custom-house.

Did you accompany them? I did.

Were where they when they first resolved to leave the house? On the top of the stairs, near the drawing-room.

Did you accompany them from that time, till they had finally escaped by descending to the Custom-house? I did.

Was there any female that you saw at that time? Not one.

Was there any female present? Not one.

Do you know what had become of the females? Yes.

What had become of them? At the first attack they ran up stairs, and there they remained.

After leaving the Custom-house, did the Mayor give you any orders? He did.

What were those orders? He desired me to go to the Guildhall, and there I met the Under-Sheriff.

What were you to do at the Guildhall?—were you to meet the Under-Sheriff, Mr. Hare? Yes, and to assist in getting the constables together.

We understand that, on the Sunday morning, the great gate of the Guildhall was shut? It was.

Were you stationed anywhere? I was.

Where? At the Guildhall-chambers, by the desire of Mr. Under-Sheriff Hare.

For what purpose? For the purpose of telling all persons who came there, that the Magistrates were up stairs, or would be up stairs in the Guildhall.

Did you say so to a number of persons that came? I did, to a great number of persons.

Is the side entrance to the Guildhall through the Guildhall Chambers where you were stationed? It is.

Is that the usual mode of going into the Guildhall? It is.

Cross-examined by the Attorney-General.

The maids did escape, I suppose, some time or other? I do not know.

You know the Mansion-house well, I suppose? I do.

There were leads over some offices? There were.

And upon those leads persons came out of the window, where the Mayor escaped? Yes.

Do you know Townsend? Not by name.

Did you see him examined here? No.

Do you know Mr. Sheriff Lax's servant? Yes.

The man that had the freedom given to him by the Sheriff? Yes.

You were not in Court when he was examined? I was not.

Was he there at the time the Mayor escaped? I did not see him.

Do you mean to say that you did not observe him, or that you are sure you did not see him? I mean to say that I did not observe him.

Then he might be there, and you not see him? He might be there.

You are come from Bristol this morning, I hear my Learned Friend say? I am.

Mr. JOHN WOOD sworn—Examined by Mr. Follett.

I believe you were living in Bristol at the time of those disturbances? I was.

I believe you were called out of church on Sunday? I was,

Did you take any summonses from the Magistrates to the Churchwardens of the different parishes? Yes, I did.

I believe you, and one of your brothers, went round to the different Churchwardens with the notices? Yes.

Mr. Justice Park.—At what time was that? It was after the first meeting at the Guildhall; I think we left about half-past twelve.

Mr. Follett.—What parishes did you go yourself to? I went first to All Saints; I saw one of the Churchwardens of that parish.

Can you tell how many you went to yourself? I can name them; I went first to All Saints; the Churchwarden said he would attend to them himself, and I went from there home, and desired my brother to take it to some other Churchwardens, which he did. I was waiting in the streets for his return, and I saw a vestryman in the street, and I told him I had such a notice; he told me I had better tell the Magistrates to order out the fire-engines, and pump over the people.

What parish was that? The parish of St. Thomas; I went, after that, to the churchwardens of several other parishes; some had before received a different notice, and I overtook two churchwardens in the street, who were going to the Magistrates, to inform them, that they had endeavoured to assemble their parishioners together, in consequence of having received a previous notice similar to mine, and it was in vain,—they could not succeed, and they were then going to inform the Magistrates, at the Guildhall, of their failure. The last person I called upon was a vestryman of one of the parishes, to enquire where the churchwardens lived. He told me that the Magistrates had sent the military out of the city, and he would have nothing to do with it, and recommended me to do the same, and I shortly after went to the Guildhall.

What parish was that? St. Stephen's.

I believe you afterwards went back to the meeting, at the Guildhall? I did.

You were present at both meetings at the Guildhall? I was.

At either of the meetings did you hear any person say that the soldiers had fired upon the people without necessity? No; that was in the evening; at the Council-house, after both meetings had broken up; Mr. Herapath and Mr. Ven, the president and secretary of the Political Union, came in, and said, that the cause of all the disturbance was, that the military had fired on the mob without sufficient provocation.

This you say was at the Council-house? It was; I should think about seven o'clock in the evening.

Were the Magistrates there? One, Mr. Alderman Savage; it was Herapath who said this.

Was Mr. Alderman Savage present when he said it? He was.

Were there other persons present, at the Council-house, at that time? Yes; in different parts of the Council-house; after Herapath said this, he found the opinion of the meeting was contrary to what he had expressed, and then he turned round and said, that Ven was his informant; Ven corroborated it; Ven was the secretary of the Political Union; I then stepped forward and said, that Ven's opinion ought not to be taken, for I had seen him cheering on the mob, the preceding evening, in front of the Mansion-house,—which I had; he denied it.

At what time in the evening was it you saw him? It was between six and half past six, on the Saturday evening.

You say that he denied it at the Council-house? He did.

What did he say when he denied it? He denied it, and Alderman Savage turned round to me and said, "My good fellow, make no accusations now,—let us all be united;" or something to that effect.

I ask you now, are you quite sure that you did see Mr. Ven, on the Saturday evening, cheering on the mob? I am stating it on my oath; I am quite positive of it; I also went to the Magistrates,— I think twice in the following week,—to lay an information against him,—or rather in the same week with the Sunday.

Cross-examined by Mr. Serjeant Wilde.

Do you know whether any thing was done in consequence of your information?—has he been taken up and tried? No, the Magi strates con sulted together, and said, that they thought it came within the limits of the

Act, or they thought it did not, I am not certain which,—and they thought it was better left alone; but I mentioned it to a friend, who intended preferring an indictment against Ven, but as I have been to the West Indies it was dropped.

Re-examined by Sir JAMES SCARLETT.

You made no written statement? No, I do not know that I made a written statement; I gave this evidence, or the substance of it, to the Committee of Enquiry.

You stated what you have stated now, about Ven, to the Committee of Enquiry? I did.

Did they take it down in writing? They did, and I signed it.

Who was the chairman, at that time? I do not know who was the chairman, but I sent a note to the Committee of Enquiry, stating that I had this evidence to give; I merely stated that I had the evidence to give respecting Ven; but while I was there, I recollected that I had this evidence respecting the Mayor, which the majority present objected to receive, and it was overruled by Mr Visger.

You were going to give some evidence in favor of the Mayor? That I had received these circulars from the Mayor.

To gather the people together? Yes, and those who were present objected to it, but Mr. Visger overruled it; and he was not supported by a single individual,—but, however, my evidence was taken respecting it; while I was there, a person came in ——

Mr. Justice PARK.—I am afraid we cannot go into all that? It is to shew the conduct of this Committee of Enquiry.

Sir JAMES SCARLETT.—The evidence you gave was in writing, and I take for granted that it was laid before the proper persons?

Mr. Justice PARK.---I understood the last witness to say that his evidence in favour of the Mayor with respect to sending the circular round to the different Churchwardens, was taken.

Sir JAMES SCARLETT.---Yes.

JAMES BYRNE sworn---Examined by Mr. FOLLETT.

I believe you are a bill-sticker at Bristol? Yes.

Were you employed on the Sunday to post bills about the walls, at Bristol? I was.

Do you produce copies of them? I have copies of two or three, but there were two of them which I have mislaid by some means or other.

[A bill was shewn to the witness.]

That is one? That is one---I did not post them all myself, but I had a person assisting me.

You went about posting with a person assisting you? I did.

That, and some other bills? That, and some other bills.

Did you post a good number of those bills about most parts of the town? I did, particularly in the neighbourhood of Queen-square.

In posting the bills, were you at all interrupted by the people? Very much.

Were any of the bills torn down again as soon as you posted them? Repeatedly---directly they were against the wall.

Did any body insult you? I had two or three thrown in my face.

(Another bill was shewn to the Witness.)

You posted some of that sort, too, I believe? No, I did not post any of those; I distributed several of them, but as to the number I cannot speak, because we went down into the office, and had them as we wanted them.

When did you distribute them? I took them out occasionally when I went posting, and gave them to respectable persons that I met in the street.

Mr. FOLLETT.---This is the one that was distributed :---" The Magistrates most earnestly entreat the assistance of their fellow-citizens, to restore the peace of the city, by assembling immediately at the Guildhall."

Have the goodness to read the other.

(The same was delivered in, and read as follows :—)

" Council-Office, Bristol, 27th of October, 1831.---It having been apprehended, from information through various channels, that some indiscreet persons may be inclined to promote feelings of irritation and excitement, on the arrival of the Recorder, the Mayor and Aldermen most earnestly hope that all classes of their fellow-citizens, however they may differ on political subjects, will see the propriety of cordially co-operating to maintain peace and good order, and that they will abstain from manifesting any declaration of their opinions on so solemn and important an occasion as the delivery of his Majesty's Gaol, in cases affecting the lives of the persons to be tried for offences against the laws of their country. The Magistrates confidently trust that they may rely on the good sense and discretion of the inhabitants, not to depart from that orderly conduct which has hitherto prevailed in the city; but should any disposition be shewn, tending to create disturbance, they feel it will become their imperative duty to use all lawful means for the apprehending and bringing to punishment all persons who may be found committing any breach of the peace, or other illegal act. By order of the Mayor and Aldermen, LUDLOW, Town-Clerk."

Mr. FOLLETT.---That last bill was posted before the Saturday? It was posted before the Saturday.

In various parts of the town? In most parts of the town.

Mr. CAMPBELL.---That is Appendix No. 1.

(Another hand-bill was delivered in and read, dated " Mansion-house, 30th October, 1831," and signed " Charles Pinney, Mayor."

Cross-examined by Mr. ATTORNEY-GENERAL.

Was not there one calling upon the pensioners? There was.

Was that printed upon the Monday, and posted, or upon what day? It was on the Monday.

Did you see them in arms on that day, or assembled? I saw the pensioners, some of them.

How many did you see? I cannot say how many I saw.

Was it twenty? No, it was not.

But you saw some? I saw some.

Mr. JAMES CUNNINGHAM sworn.---Examined by Sir JAMES SCARLETT.

I believe you are an inhabitants of Bristol? I have a counting-house at Bristol,—I reside at Clifton.

Is your counting-house near to Queen-square? It did adjoin the Mansion-house, part of Mr. Leman's house.

I believe it was burned? It was destroyed by fire by the rioters.

I believe you saw some part of the riots on Saturday? I did.

Do you remember a part of the mob being first repulsed by the constables? Perfectly.

Did any part of the mob return reinforced after that? They did; they went and armed themselves upon the Back, and returned with faggots and sticks.

The Back is the street behind, is it not? It is the street behind.

At what time did you leave your counting-house? I think about three or soon after three o'clock in the day.

Did you come back to Bristol on the next day, the Sunday morning? I did.

About what o'clock were you in Bristol? As near as I can recollect I got to Park-street about nine o'clock.

Do your remember proceeding down Unity-street near to College-green? I proceeded that way.

Do you remember meeting any gentlemen as you were going, who gave you any advice? I do.

What was the advice you received? Not to go in that direction, for I should meet the Mayor who was calling out the citizens, or rather he was calling the posse comitatus to assist him.

Did you think it proper to avoid the Mayor? I considered it my duty to persevere in that direction.

Did you accordingly persevere in that direction, and did you meet the Mayor? I did; I met him on St. Augustine's Back.

What did you observe the Mayor doing there? He was knocking at the doors from house to house, calling upon the inhabitants to assist in defending the city, he called upon me to do the same in the King's name; he commanded me to aid and assist in keeping the peace.

Was the progress of the Mayor at that time towards the Mansion-house? It was; he had passed down through Unity-street, through Orchard-street, I take it through Denmark-street, and he was then on his way to the Mansion-house.

And you observed him going from house to house making this requisition? I did,—I accompanied him.

Did either of the Aldermen Hilhouse accompany him? Alderman Abraham Hilhouse accompanied him.

Did you shortly afterwards see Colonel Brereton with a detachment of the 3rd dragoon guards come up to the Mayor? I did; whilst the Mayor was informing me what had occurred at the Mansion-house, Col. Brereton came up with a detachment of the 3rd dragoon guards.

Mr. Justice Littledale.—At what time was this? It must have been very soon after nine in the morning,—it might be as late as half-past nine.

Sir James Scarlett.—Did you hear him state to Colonel Brereton what he wished him to do? I did; Colonel Brereton seeing the Mayor, made a sort of halt, and I think, addressed the Mayor; and the Mayor said "proceed to Queen-square and I will follow you, and again read the Riot Act."

Did the troops proceed? They did.

Did the Mayor and Hilhouse follow them? They did; I accompanied them to the Drawbridge, the Swing-bridge.

When you accompanied them to the Swing-bridge, were you desirous of going on with the Mayor to the Mansion-house? I was; I considered that the Mayor was unprotected, and I said, "Mr. Mayor, permit me to go to Queen-square with you;" his reply was, "No, proceed to the Guildhall, and call upon as many as you meet, to accompany you, and I will meet you there."

Did you then part with the Mayor? I did; the Mayor went down upon the Quay; he took the direct road to the Mansion-house, and I took the direct road to the Guildhall.

When you arrived at the Guildhall, did you meet any other Magistrate there? On my way to the Guildhall, I went to the Commercial Rooms; and I am not aware whether it was after I went to the Commercial Rooms or before I came out, that Mr. Waring joined me; Mr. Waring and myself, I believe, entered the Guildhall together.

Mr. Waring is the gentleman that has been examined here,—the Quaker? Mr. Waring is a gentleman who has been examined here,—one of the Society of Friends.

Did you see any Magistrates at the Guildhall, before the Mayor arrived? I did, several.

How long did you remain at the Guildhall, at that period? I do not think I remained at the Guildhall an hour,—from half an hour to three quarters of an hour, I went into the Magistrates' room; during the time I staid.

During that half hour to three quarters did any sufficient number of persons collect at the Guildhall, to form any force that might be used with effect? Certainly not.

You waited there from half an hour to three quarters; that would get you to beyond ten? I should think about ten.

In consequence of observing that few persons came, did you proceed to Queen-square, to look after your counting-house? Mr. Waring and myself agreed that we would go through the city to see the state of the mob, and we proceeded through Queen-square together.

Did you return in the course of the day to your counting-house? When I got to Queen-square, I understood that one of my clerks, one of the special constables had been severely wounded the preceding night, and that he had escaped over the wall of the Mansion-house, and was then in the building, the house of Mr. Leman; I immediately went up, found him severely bruised about the arm and the head, and I conducted him from thence to a place of safety.

Did you perceive in what state the Mansion-house was? I did---it was dreadful---the furniture broken, and the windows broken, and, in fact, it appeared that the mob had been in possession of it.

Was the mob at that time expelled from it by the military? Yes.

And you found the military there? I found a detachment of the 3d dragoon guards drawn up, one half in Charlotte-street, and the other half in Queen-square.

During your stay in the Square, was your attention called to any officer on horseback, followed by a crowd? It was.

Who was that officer? Coming from the Excise avenue, I saw a military officer trotting or galloping, coming along, and the crowd cheering him; and upon his coming near to me, I discovered it was Colonel Brereton.

I believe the troops were, at that time, in two divisions of the Square? They were.

Were they standing still in their stations? To the best of my belief, they were standing still---I have some recollection that one of the divisions was making a small circle in front of the Mansion-house.

Did you see upon what terms the soldiers appeared to be with the multitude? I did; I considered it was not safe for me to remain any longer---they were upon perfectly familiar terms,—the people were going up to the soldiers, and patting their horses, they were quite familiar one with another.

Did you see any drink given to the soldiers? I did not; I saw the people drinking, but not the soldiers.

In the course of the day, did you go to the Guildhall again? I did not.

Did you go to the Council-house in the evening? I did not; I returned to the town in the evening, but I did not go to the Council-house or to the Guildhall.

From what you observed in the town, both in the morning and the evening, did it appear to you that there was any disposition among the inhabitants to aid the Magistrates in keeping the peace? Quite otherwise.

Do you remember any time, upon the Sunday evening, seeing the Mayor and Alderman Hilhouse? On Sunday morning.

Did you see the Mayor and Alderman Hilhouse after the time you have first mentioned? I did not see the Mayor after that; I think I had left the Guildhall before the Mayor had got there.

Cross-examined by Mr. Attorney-General.

You went, with Mr. Waring, to the meeting at the Guildhall? I did; I think we entered together.

Were you greeted with this compliment---" It is well that you gentlemen reformers are come?" Something of that sort occurred, from Mr. Hare, with whom I am on very intimate terms, and we are in the habit of joking each other about our political sentiments.

Was this said in the presence of a good many people? It was said in the presence of a good number.

How many do you think there were? Under twenty,—perhaps under 15.

You did not count them? No, but they were very few; I could move about from one part of the room to the other.

There was a public meeting, we understand, on the 3rd of November? There was a public meeting soon after the conflagration.

Were you at that meeting? I attended it.

It was adjourned, I understand? I do not know that the first could be called a public meeting, for it was merely a meeting of the subscribers of the rooms.

There were about 700 were there not? I mean the meeting at which I was called to the chair.

How many persons do you think there were at the Commercial Rooms the first time? The usual number, or probably a few more that might have been brought together by a person who signified his intention.

How many? I should think from 200 to 300 persons.

Did you take the chair at that meeting? I must beg to explain,—I took the chair at a meeting held at the Commercial Rooms, ———

Was it the first meeting? It was the first meeting, but something occurred the day before; some gentleman signified his intention to call this meeting.

Do you remember what day this meeting was? I have no recollection.

It was not the Thursday, the 3rd of November, was it? If you have it before you that it was the 3rd, it must be so.

Did you take the chair at any second meeting? I did not.

You attended the second meeting? I did not; but let me fully understand the question---do you mean to ask me if I attended a meeting held at the Rooms in Prince's-street.

At the Commercial Rooms? I attended the meeting at the Commercial Rooms, but not a meeting in Prince's-street.

At what room was the meeting in Prince's-street? At what is called the Great Room---the Assembly-room.

How soon was that after the first meeting? I should think two or three weeks.

You did not attend at the second meeting? I did not.

How long were you at the Guildhall on that Sunday? I think I have stated about an hour; it might not have been so much.

Did you go to the adjourned meeting at half-past three? I did not attend any other meeting at the Guildhall that day.

Did you accompany the Mayor to the Guildhall? I did not; I left him, as I before told you, he going along the Quay, and myself pursuing my route up Clare-street.

You say that you saw no disposition in the people to assist the Magistrates? I speak generally; I saw one man that said, " I have been out on duty as a special constable," but, generally, the persons I met about the streets declined going to the meeting.

At what time was that? Between 9 and 10: I went as fast as I could walk to the Guildhall.

You have known Mr. Pinney very well? Perfectly well.

For many years? For many years.

You never happened to see him ride, I dare say? Never, certainly; I have never seen Mr. Pinney on horseback, and until the question was asked here, I should have sworn, most positively, that he had not been on horseback, but I have since heard that which induces me to believe that I should have sworn falsely.

Re-examined by Sir JAMES SCARLETT.

When you went to the Guildhall, and Mr. Sheriff Hare addressed you and Mr. Waring, was the address to both of you as reformers? I should rather suppose it was to myself, being more intimately acquainted with Mr. Hare.

I may say, I suppose, that you were disposed to Reform? Certainly.

We have heard, in this Court, that every wise and honest man was so? Certainly; I shall never be ashamed of declaring my sentiments.

When Mr. Hare addressed that to you, was it addressed by way of rebuke, or was it an expression of pleasure to see men of your description come? I think it was the expression of pleasure to see men of all parties come there.

You were not offended at it? Not at all; it did not interrupt the friend ship I have ever had with Mr. Hare, a single moment.

If I understood you right, you and the Attorney-General had some puzzle about the first and second meeting---was there some preliminary arrangement first to hold a meeting? A member of the Commercial-rooms stated upon the day preceding the public meeting, that he would call a meeting; and it was understood by the subscribers, that that meeting should be called forthwith; and it was actually called the next day.

Were you placed in the chair at that meeting? Much against my will I was placed in the chair at that meeting,---one gentleman had taken the chair and rushed out of it, and the meeting was likely to break up in disorder, and in order to preserve the meeting I took the chair.

Mr. Justice PARK.---Was that the 3rd of Novembers? I do not remember the date.

Sir JAMES SCARLETT.---Was that a meeting for the purpose of instituting an enquiry into the cause of the riots? It was for the purpose of a general enquiry as to the cause of the riots,

Was any committee named at that meeting? Yes.

Were you named as one of the committee? Certainly I was named, as chairman of the committee,

Did you attend the committee? I did, repeatedly.

Did you continue to attend it? I did, for some time.

Did you give it up at last? I did.

For what reason did you quit it,—I must have the reason---what was your reason for quitting the committee at which you attended for some time? Am I bound to give it?

I apprehend you are? The gentlemen that were appointed on the committee, their object really appeared to me more that of persecuting the Magistrates than of entering into the general enquiry.

Were you satisfied of that from what you observed? Permit me to say that many gentlemen that were appointed at the public meeting, declined being on the committee.

You declined attenning because you found the committee, instead of being a committee for a general enquiry, had a view to prosecute the Magistrates? I certainly left them on that account.

You opened a correspondence with Lord Melbourne? They opened a correspondence with Lord Melbourne, and with the members for the city.

I am not clear whether the correspondence with Lord Melbourne was opened by myself and the members of the committee, or only with the members; but we had letters from Lord Melbourne.

You say that when you had found the committee, which you had proposed for the purpose of a general inquiry, had become a mere party committee for the purpose of prosecuting the Magistrates, you declined attending any further? Precisely.

Sir JAMES SCARLETT.—My Lords, I propose to close my case here; the Magistrates are in attendance, and I will take on myself the responsibility of not calling those gentlemen, who are themselves the subject of informations. Therefore I must leave the case as it stands.

*The ATTORNEY-GENERAL rose to reply, and addressed the Jury in the following terms:—*

"May it please your Lordship, Gentlemen of the Jury—

"It now becomes my duty to make a few observations to you, and I hope with reference to the length of the evidence, that they may be few upon this case of extreme importance; and before I proceed to make any comments upon the evidence, I trust that I may expect the serious attention of you all, when I observe, in the first place, upon that irrelevant mass of matter, the greater part of which, given in evidence on the other side, I think I shall sweep away almost with a single observation, But in the first place, I must beg to call your attention to that load of invective and insinuation with which my learned friend has thought it right, or rather has felt it necessary to endeavour to envelop and to sink and to bury the merits of this case—keeping it wholly out of your consideration, avoiding every topie on which the charge is really founded, and upon which the question is to be tried, for the purpose of making an appeal to prejudices which he may possibly discover, and for the purpose of keeping alive those wounds in the public mind, which I thought all men wished now to be closed, and to resort to prejudice and to feeling in order to get rid of the effect of plain facts and conclusive evidence.

"My learned friend, in that peroration which, eloquent as it was, was much more remarkable, allow me to say, for its labour than even for its eloquence, introduced a long antithesis or a string of them to your consideration, not with the slightest view to insinuate or to infer anything for the benefit of him whom he is defending, but for the purpose of casting imputations upon those who have felt it a most sacred duty to draw the attention, and I trust, the unprejudiced attention of a Jury of the country

to a consideration of the conduct of the Bristol Magistrates. He thought proper to tell you, not with a very fortunate mode, I think, of ushering in a powerful topic, that the Magistrates had not been guilty of that inflammation of the public mind which he evidently meant to impute to others. He said, that they had not directed any declamations against Corporate property and Corporate monopolies, and so on, as if for the mere purpose of reminding you of that almost forgotten declamation with regard to Corporate robbery with which our ears were made to ring some eighteen months ago. It was not very likely, to be sure, that the Magistrates of a Corporation should be among the first to sound a crusade against Corporation property; and therefore, that may be taken as a mere introduction (and I think very far from a happy one) to the antithesis that were to follow.

"My learned friend then went on to say something about the taxes, and he was to be reminded of the taxes by the burning of the Custom-house; and inasmuch as the Customs are an important part of the King's taxes, he told you that the public creditor had never been held up as an object to be despoiled by the Magistrates of Bristol, and that they had never preached up the doctrine that you should decline to pay your taxes if the Government did not go on as you like. Now, that also was a subject upon which some gentlemen of the highest honor and respectability, led away by the fermentation of the moment, were induced to express themselves warmly and most reprehensibly (for I do not attempt for an instant to defend it) but I was in hopes that the good feeling of the country had determined to bury in oblivion all the unhappy expressions on both sides, and among others, when my learned friend talks of some Magistrate, who was supposed to have expressed his opinion, I know not whom he may have meant, but I know that that opinion fell from the lips of one distinguished Nobleman, I mean Lord Milton, as to whom I did not expect to have heard that my learned friend would have uttered one syllable of imputation or reproach."

Sir James Scarlett.—"Allow me to assure you that I had no view to Lord Milton,—I alluded to resolutions passed at a meeting of the inhabitants of the county of Middlesex."

Mr. Attorney-General.—" I do not state who my learned friend alluded to, but I know that Lord Milton was one of the individuals so charged, and my learned friend must have known that there was a probability of that being at least cast as an aspersion upon Lord Milton, whose honor and whose patriotism stand far above any insinuation that can come from any quarter, and whose perfectly amiable and excellent qualities must have been known to my learned friend, when for so many years his own merits recommended him to the borough of Maldon and the city of Peterborough, in which Lord Milton is pretty well known and pretty justly appreciated, as to whom I will not attempt to insult him by any panegyric of mine,—I will leave his character where it stands, and I will leave the temporary indiscretion of the moment to be dug up, perhaps, when some other Magistrate may be brought to answer for a breach of duty—when it shall be convenient for an advocate to divert the attention of the Jury from that question to topics of mere excitement and insinuation.

" There was another topic that my learned friend alluded to —the topic of the Bishop's Palace. You see how propense—you see how premeditated this was. He said that if the Bishop's Palace was also set on fire, the Magistrates had not called upon the Bishops to set their house in order; an old insinuation also against the Prime Minister of the country, resulting from nothing but the ignorance of Scripture language on the part of those who made it, for it is perfectly impossible to give it the sense that some declaimers have thought proper to attach to it.

" Gentlemen, it is necessary for me to observe upon this, for this is the main stress of my learned friend's speech; and I do assure you, that if I had seen these topics stated in a newspaper as a speech of any person—had I taken up a newspaper accidentally and found these things stated there, I should have said, who is it that has come forward with these old and forgotten and unpleasant recollections? It must be, I should have said, some gentleman who has not been very successful in obtaining the ear of the House of Commons, who knows that he never can enter there again under the operation of this wicked Reform Bill, and who has taken the opportunity of visiting some club at a remote country town, with all the feelings that oppress his mind at the moment, giving to them all that which he ought to

have delivered in the House of Commons, if he meant to have given it at all. Or perhaps I should have said, it is somebody who has not exactly succeeded in obtaining some patronage that he may have expected from the Government, and who therefore wishes to shew them how great a loss they have had in losing one who could declaim so ably and so warmly; and if any body had said to me, look at the top of the speech, you will see the name of your learned friend Sir James Scarlett, as having made it in defence of the Bristol Magistrates, I should have said, the thing is impossible, it is the press—it is the malignant and calumnious press that has invented it for the purpose of defaming my honorable and learned friend; it is quite impossible that he should have uttered these opinions,—it is out of his nature,—he is the most discreet and the most subtle and considerate of advocates,—no man has such experience in Courts of Justice, and such management in winding the minds of a Jury to his purposes; but then, perhaps, on second thoughts, I should have said, if he really has indulged in topics of this description upon such an occasion, it shews that he thinks that his case is desperate whenever it comes to be calmly considered.

"He added, I think, at the close of all, by way of climax, which was to give the greater effect to it, that he blamed nobody —that it was not said in the least for any purpose of blame, and with reference to that complaint we have heard so frequently about the newspapers, when he stated a particular paper to you, the gentlemen of Berkshire, at a time when it may probably have some impression upon political feelings, if there were any, and I presume that was also done entirely in the execution of his duty. He thought that he might perhaps get some set-off feeling in favor of his client by making such an appeal as that.

"Now, I must protest against this notion of introducing newspapers into every possible discussion; I believe that if I had been inclined to do so, I might have laid a great many columns of newspapers before you. We all know that the admonition was quite unnecessary with which my learned friend concluded, namely, 'look to the evidence as given in the case and as the learned Judge who sums it up to you, and do not look at newspapers.' That is quite a matter of course, gentlemen; I do not mean to trouble you with what has been

said by the newspapers upon the other side during the progress of this trial, and I beg to state it to my learned friend, that I am quite sure that he been reading the newspapers, and it is from some or other of those newspapers that he thinks proper to bring forward these extracts from my speech upon which he made a comment."

Sir James Scarlett.—" I read the shorthand writer's note, and I read no newspaper; I had the shorthand writer's note in my hand."

A Juryman.—" The Jury have no political feelings upon the subject."

Mr. Attorney-General.—" No, gentlemen, I do not at all assume it, but I call upon you to observe the conduct of this case by my learned friend, and to see whether there are not to be traced, in parts of the conduct of this defence, indications which may lead you to suppose that certain speculations must have existed in his mind at the time, because I do assure you, as to what my learned friend stated as my sentiments, if they were brought forward from the shorthand writer's notes it must have been a shorthand writer indeed. The material observations he has made upon my statements, are totally founded upon an entire mis-statement of those statements—I never uttered what he stated—perfectly the contrary. The most important of those statements with which he has thought proper to charge me, is the direct reverse to what I laid down before you as the subject of complaint against Mr. Pinney, and I was therefore finding some little excuse for my learned friend; I was supposing that he had not thought it worth his while to attend to anything as it fell from my lips, and that he must have seen it somewhere in some reports, excessively garbled, mutilated, and perverted.—But it seems now, that that garbling and mutilation must have taken place not by the newspaper, but by some shorthand writer, whose incorrect report has been laid before him.

" Gentlemen, you cannot suppose that it is agreeable for me to enter upon these topics, but as they have been introduced as a part of the tactics of my learned friend, do you think that I can sit down under what Sir James Scarlett imputed to me—that I have stated that the Magistrates might be excused for any excess of severity, but that for any excess of lenity

they must be punished; or, that I complained of them for not calling upon the soldiers to fire. I complained of them for making that call,—for making it under any responsibility but their own,—for making it under the observation of any eye but theirs,—and I said, not that they exercised a culpable lenity, because they did not call upon the military to fire, but I said that if that fatal and lamentable necessity did, in point of fact, exist, they were bound to have satisfied themselves of the absolute necessity of inflicting that summary punishment wherever they called upon the soldiers to inflict it; and that they had no right to make it a transferable ticket, to be banded from one officer to another—or from one soldier to another—here, or there, when they were at Mr. Fripp's, or at Clifton, and the rioters were supposed to be in the Square, but that they were bound to witness with their own eyes that riot, before they called upon any one soldier to fire—or upon any officer to give that command. Such was the doctrine I laid down. I appeal to the recollection of every one of you with the most perfect confidence, whether it was not the subject of my complaint, that from the first to the last in transferring all their responsibilities, they had particularly transferred that—and that when Major Beckwith was called upon to put down the riot, he was called upon to do so by a signed paper, without the presence of the Magistrates observing and being convinced of the necessity of resorting to that measure.

"Gentlemen, I know that I am doing my case no service by talking of these things, but my learned friend knew that they must be the subject of observation on my part,—he was quite sure that I could not be silent upon them; and that is a part of the tactics of this defence, which I charge to be distracting your attention, from the first to the last, from the real topic, and the real question you have to try. Another thing which occurs to me at this moment, is about compelling the citizens to go out; I certainly did state that the Magistrates had the power to compel them to go out. The old law gave them that power—the new law gives them that power—the law which passed only fourteen days before, gave them that power; but I having stated generally, that they had that power, I have been encountered by the authority of my learned friend's saying

that they had no power to compel, but that they can only indict when it was not done. Now, I ask, are they taken by surprise at all? My general complaint is, that they did not exercise the power they possessed. The ancient law required the Magistrate to quell riots, and gave him authority to do so; the Special Constable Act of George IV. empowered them to swear in special constables upon the existence or apprehension of tumults —and the new act of his present Majesty gave them power to fine them directly if they should not come forward when the Magistrates called upon them. Now, the complaint is not that the Magistrates were called upon, within the formal technicalities of that Act, to swear in special constables, but the complaint is, that they abandoned every means of defence that they possessed, and that among others. The Sheriff, it is true, is the person to call out the posse comitatus—but it is less fit for the Magistrates to enquire whether the Sheriff has done so, and to direct his conduct accordingly. Some person, undoubtedly, must complain to the Magistrate before the Act is put in operation by fining persons for not going out. But is the Magistrate, therefore, not blameable in not requiring that Mr. Hare, or Mr. Brice, or somebody, shall come forward and make that complaint?"

Mr. Justice Park.—"The opinion of the Court upon that, was, that he could not be indicted for a breach of that Act of Parliament; and, therefore, that Act of Parliament was, in the opinion of the majority of the Court, out of the question; and, therefore, you must rely on the common law obligation of the Magistrates to call the King's subjects together. That was the conclusion to which the majority of the Court came, that that Act of Parliament was out of the question."

Mr. Attorney-General.—"I did not understand any such decision had been come to. That the Act of Parliament is out of the question for the purpose of indicting for a particular breach of its provisions, I never doubted; but I say that the Magistrates ought to put it into the question. It was his duty to inform himself what his powers were, and he would have discovered it at once, under the title of Riots, in Burn's Justice, which no doubt was upon the shelf of every public hall in the city of Bristol. I do not dwell upon that, but if that Act of

Parliment is to be taken as not in existence, because it is not distinctly proved that he was called to look to it in town, then the former Act of Parliament *was* in existence."

Mr. Justice PARK.—" The objection made was, that you cannot indict a Magistrate for a breach of his duty under that Act, unless he refuses upon the requisition of five persons under the old Act, and of one person under the new; and, therefore, you must lay that Act out of the question."

Mr. ATTORNEY-GENERAL.—" It is clear that, if I indicted him, I could not have succeeded, because the requisitions of the Act of Parliament were not carried into effect; but, I should humbly think, that if there is an Act of Parliament which can be put in motion by a very easy process, by calling upon one inhabitant to come and state what the state of the riot is, and the Mayor does not take that precaution, it is some evidence to shew that he was not so alert in the discharge of his duty as he ought to be. But when my learned friend says you cannot compel the inhabitants to come, because you cannot take them by the hair, and compel them to use muskets, I say that is not a fair use of language; I say, that whether or not he has the physical power to put the law in motion, he ought to inform himself upon the subject—and, under the old Act, he ought to have known that he was capable of calling the citizens together, and that he ought to have insisted on putting that law into force.

" Gentlemen, I am not arguing the question, but I am commenting upon those observations of my learned friend; another of which is, that I am supposed to have said the Mayor was bound to have gone out with ten men, even for the purpose of resisting the mob. Now, did I state any such thing? Did I say that the Mayor was bound to go out and fight with an insufficient force? What I said was this—and I ask you, for you are judges of what is reasonable,—whether I did not say what was reasonable when I said that he should have kept but ten men together, if no more were to be got, for the purpose of making additions to that small number, and for the purpose of giving time to the returning good sense of the inhabitants to swell their ranks to a considerable amount. Gentlemen, that is the argument I hold—not that the Mayor was to go out at the

head of ten men to destroy and knock down all that might appear before them with that insufficient force. I am in your recollection, whether I stated such sentiment, and whether I did not actively disavow it; but I know that I stated the other, namely—that he was bound to keep together whatever force he could—he exercising all along (which I require at his hands) a superintending care over the peace of the city at every moment, at every part.

"Now, Gentlemen, we go a little further, and we find a great complaint about the mode of the prosecution, and the way in which it has been conducted;—it is said that they have not been fairly dealt with—for, that the Government, in prosecuting, ought to have called upon Mr. Hare and Mr. Brice, and upon Mr. Burges, and upon Mr. Serjeant Ludlow, as witnesses, to see whether this proceeding should go on or not. Gentlemen, do you really think so,—that if a prima facie case is made out against a body of Magistrates, you are then to say I will go to those who are most nearly connected with them, and who, themselves, largely share any blame that may be cast upon them? In common sense, how would my learned friend have wished me to proceed? Perhaps, he would have liked me to come to this Court, and apply for a criminal information upon affidavits, and then to have filed, by that double proceeding, an ex-officio information. That, I suppose, would have been the conduct of a tender-hearted Attorney-General. But, on the contrary, finding that a large and respectable meeting of the town of Bristol, thought this enquiry necessary; the Ministers got all the information they could generally, and afterwards sent down their own solicitor to take information from all that could give it; and the result is, that they bring this case before you for your impartial consideration.

"Then, it seems, that the form of the information is to be very much complained of—and I think my learned friend used the expression "It is an omnium gatherum information." Now, I think, I can give him a better expression than that which my learned friend has given me in the Parliamentary Debates, which happened in the year 1830. 'The house was aware (it was said) that there had been recently filed against Mr. Alexander three ex-officio informations; the first was for a

libel on Lord Chancellor Lyndhurst—the second for a libel on the Duke of Wellington and his Majesty—and the third was for a libel which he was unable to describe in any other way than by calling it an omnibus libel, or what in cookery was called hodge-podge.' It was for a libel against so and so, and then the speaker goes on to describe what it is. Now, I dare say, you will trace, by the vein of humour that runs through it, that it was the Recorder of Bristol who was making the observations upon three informations, one of which he called 'an omnibus information,' but it was not mine, for it was filed by the learned Attorney-General who succeeded him in the office, and who now conducts the case of the Bristol Magistrates.

"Now, as to the form of this information, I am disposed to get my learned friend (Mr. Wightman) to defend it, because he might produce one in the same form by Mr. Dampier, in which a Magistrate was indicted for not having done his duty.

"But really, to say that the Mayor of Bristol has been taken by surprise, and that the statement he wrote was one that did not at all suppose, on his part, the possibility of his being involved in any charge, is, I think, a little of a piece with the rest of the defence—which, I say, is a defence not resting upon the genuine motives of the men, according to their views at the time, but got up by those legal advisers whom my learned friend thinks that I ought to have called as my witnesses, for them to have poured forth that volley of words which you heard yesterday—and which, I believe, if poured forth at the time of the riots, would have put down any mob, even a Bristol mob.

"But I am also charged with having mis-stated the case of the Mayor of London. I never pretended to state the particulars of that case; but I have some pretty good authority for what I stated, for I have the reasons given by that most venerable Judge who began to preside over this trial: 'I am old enough,' said his Lordship, 'to remember what mischief was created in this metropolis, while the hands of justice were paralyzed,' &c. &c. [reads the report of the case.] Mr. Justice Holroyd also happened to state, that the Mayor of London was fined a thousand pounds upon that occasion. Now, I stated, in my opening speech to you, as the information does

state, and as it is evident from the defence, that they were perfectly aware that they came to meet such a charge, that the complaint was not of a particular omission, as that of reading the Riot Act, not of a particular declension of duty, at some moment when the discharge of the duty might or might not have been effectual, but a complete desertion of duty from the first to the last, in omitting to do any single act that could, by possibility, call out the citizens, and prompt them to a performance of their duty.

"Now, what is it that the charge is? My learned friend burst out in a very impassioned manner, about whether I meant to charge the Mayor with going to shave during the riots. I do not think I mentioned that at all. I certainly mentioned the withdrawing and retiring from the city; and upon that subject I shall have a few words to say by and by; but, upon the subject of any particular act, when I am called upon to say what is your particular charge, do you make it a crime that a man goes to an inn for a few hours, to shave and get a little breakfast?—I say that depends upon circumstances. The question is, whether, by so doing, he abandoned an important duty, that was incumbent upon him at that time. But I did not make the smallest allusion to that circumstance; and it is a little curious, that the fact only came out upon my learned friend, Mr. Campbell, getting from one of the witnesses, Townsend, his belief as to the fact, whether the Mayor had been to bed or not, and upon which he was bound to say, 'I rather think he did go to bed, because the chambermaid told me so.' So that, then, this, which is treated as evidence of mine, and which is supposed to be my charge, is evidence that they themselves bring out hearsay and upon belief, without being, in any degree, connected with the case I have brought forward. This is the kind of charge which I am required to free myself from; and, in doing so, to delay your attention so long from the important facts of the case itself.

"Now, gentlemen, I say, there was a complete dereliction of duty during the Saturday night, and during the whole of Sunday, but more particularly during Saturday night and Monday morning; and I put this to you, as this proceeding has been made a topic of so much imputation, whether it would

have been possible for the Government of England to face the people of England, whom it is bound to protect, if they had not enquired into the conduct of these gentlemen, who are entrusted with the peace of that city? You will be so good as to recollect, that many outrages were committed; that many crimes were perpetrated; that some of the authors of those crimes had been brought to an ignominious death; and that the houses of the city had been saved, almost by miracle, from further conflagration, extensive as that was. You will recollect, that a Court Martial has sat, and, that in more instances than one a Court of Enquiry was appointed into the conduct of the military; and the conduct of the military and rioters having been thus questioned, is it possible to suppose, that the conduct of the Magistrates should not be called into question too? I say, therefore, that it is quite inconsistent with the common notion of what is due to the protection of the public, to suppose, that this enquiry should not have taken place. At the same time, I say, that with regard to imputations against individuals in the Government, who have directed this proceeding, there are no set of men in the country more perfectly uninterested in the result of this trial, than they are. As a party of men, happening to rule the State at this time, there is nothing more indifferent to them than what your verdict may be. As a Government, ruling the country upon important principles, which are to serve as examples for all time, it is important for the Government, but not more than for you, and every individual placed under this Government, that this case should be calmly and fully understood, before you come to pronounce your verdict upon the evidence.

"Therefore, Gentlemen, I beg leave to say, that it appears to me that the prima facie case, as I said before, admits of no doubt whatever. On the part of the King, I ask these Magistrates why it is, that under their immediate observation, his prisons were burned, and the prisoners were let loose?—why it was that all this dreadful destruction was committed, and why it was that the conflagration of the city of Bristol proceeded, for so many hours, uninterrupted? Has not the King a right to an answer upon that subject? Has any man a right to complain, that the Magistrates, who were present all the time, were called upon to

give that answer? Whether the answer may be satisfactory or not, I do not, at this moment, anticipate. I shall come to that by and by; but that they should be called upon to answer for it, is most evident; and that such a proceeding should be called a persecution seems to me an abuse of terms, which it is not necessary to expose any further.

"Now, I stated three points in this case: first of all, the prima facie case, that is, the case of great desolation and misery produced upon the city; second, the case of general non-interference on the part of the Magistrates, for the purpose of preventing it; and lastly, the conduct of the Mayor himself, with reference to his own interest and his own safety, on the occasion of that day.

"Having observed, in general terms, on the prima facie case, I will now go to the second point, with reference to the conduct of the Mayor, in which I could not possibly tell beforehand what would be the result of the whole enquiry; but it is with the highest degree of satisfaction that I am able to express to you, my full and entire conviction, that that personal cowardice which I never imputed, but as to the possibility of which I stated any facts which might afterwards lead to an inference on your part, that I think it is most fully and completely disproved. I give Mr. Pinney full credit for having acted with courage and spirit;—I think he is much to be compassionated. In many parts of the case that have appeared before you, I think he has not had the best counsel, nor the best example about him; but I think there is much to be said in his favor, even when you shall have pronounced that verdict of Guilty, which, in my humble judgment, it will be your duty to pronounce.

"Upon this particular subject, I am bound to do justice to an individual who did appear before you; and when I hear a particular man run down as a perjured villain, for stating that before you which he had stated before other parties, I must pause to consider how far it is right to treat that man, Townsend, in that way. You are to consider what his situation was; what interest had he in telling any falsehood to the prejudice of the Mayor? All that he knew of him was entirely in his favor: it was respectful, and it was calculated to excite feelings of good will towards a gentleman in that situation. He was the

servant of Mr. Sheriff Lax, and he continued in Mr. Sheriff Lax's service, long after the time when he was examined by this Committee of Enquiry. Mr. Sheriff Lax desired he would go to the Committee of Enquiry, and tell them what he knew. Now, what possible motive is there in that man to falsify any single fact whatever, with regard to the conduct of the Mayor? I know that some stuff came out, not of a very pleasant kind, about the geography of the house, which I did not wish for; but the man tells you that he saw the Mayor escaping upon the leads, and that he helped him up, and that the maid servants were helping him also. Now, what reason has he for stating that, if it is not true? At the same time, it is perfectly immaterial for that which is the great substance of the case, namely, the conduct of the Mayor with reference to the execution of this duty during that day. But upon the subject of Townsend being a perjured witness, I must, in the first place, say, that I cannot believe it, since Mr. Sheriff Lax sent him before the Committee of Enquiry, to tell what he knew upon the subject of what passed. No question appears to have been put; no person appears to have thrown out any imputation of this sort against him; and he vouches so many persons, that it is utterly impossible to suppose that he does not speak the truth.

"Now, does he speak the truth about the Saturday evening? They say they contradict him, by shewing that Col. Brereton was not introduced by him. They prove no such thing; they call Mr. Hare for the purpose of proving it, but he fails altogether. My learned friend has abstained from calling any other Aldermen, because he conceives they are subject to observation as witnesses, but he has not called Mr. Sheriff Bengough. Is it true or not, that this man went into the Recorder's room, and saw Sheriff Bengough come from behind the Recorder's bed? Mr. Sheriff Bengough is not called to contradict it; Mr. Sheriff Lax is not called, either to negative the fact of his having directed him to go to the Committee of Enquiry, or to state any thing to prejudice this man's character. Then, I think I have a right to say, that what he has stated is true.

"Then, again, let us look for one moment at what took place in the course of that night. Mr. Daniel is called as a witness to-day, to contradict him upon another point; for he says not,

I think, that Mr. Fripp's house was mentioned, as the house to which the Mayor was to go, but that there was some house mentioned which he believed to be Mr. Fripp's, (a belief naturally arising from the fact that he afterwards knew he was there,) but which might have been Mr. Granger's, or some other name. Then, if that be so, this contradiction of Mr. Daniel's as to that fact, becomes much less important than it would have been otherwise. Mr. Daniel says, he came to the door, and he saw this man, and he knew him, though he was first disguised in a sailor's jacket. There was a little discussion between him and Mr. Daniel, as to whether they knew one another, and he said, 'I know you very well, I have waited upon you at the Montague;' and, at that time the Mayor was standing before the door. Now, is it in the least probable, that having recognised Mr. Daniel, he should fail to recognise the Mayor? He was the Sheriff's servant, and the Mayor was frequently coming to the Sheriff's house; he waited upon the Mayor every day they had a dinner, and he had actually been at the house at the time of the tumult, upon the night before, and in the morning, at the time of the Mayor's escape, because, although Major Mackworth and Mr. Gibbons say, they did not see him there at the time of the Mayor's escape, yet Mr. Humphries, who is a perfectly unimpeached witness, and who lives at the next door, positively swears, that at the time of the Mayor's escape, Townsend was upon the spot. Now, is there any sort of probability that, when the conversation was begun between Mr. Daniel and Townsend, as to their personal acquaintance, and that when Townsend saw standing behind him so important a person as the Mayor, that some little conversation should not take place between those two, about their knowledge of one another. Mr. Daniel says he firmly believes that; but the circumstance is, in itself, perfectly trivial. It has only become important, as rescuing this man from the charge of perjury; but, do you believe that such a thing would have made any impression upon your minds, which you could remember at the end of a twelvemonth? But this view of the case is much confirmed by the fact of that particular warning, which Townsend says he received from the Mayor with regard to some house to which they were going, and of which notice had been

given, but to a stranger whom they met almost immediately before, for they met a stranger and they sent the stranger to the Council-house, and they told him not to mention they were going to the house of Mr. Granger. Mr. Daniel says, 'I did not know that the Mayor was going to Mr. Fripp's,'—he says, 'I intended in my own mind to carry him to Clifton.' But do you think that he meant that when he was with him at Mr. Lax's door, because the Mayor's object was to make himself known to the Corporation, as he stated to Mr. Brice, and Mr. Burges, and Mr. Hare, who all come to him very soon after, in consequence of the requisition sent by the stranger.—Then Mr. Daniel says, 'I could not tell him anything of that sort, because I meant to take him to Clifton. What! mean to take him to Clifton and leave word that he was gone to Mr. Granger's? Is that possible? It cannot be. It was clearly necessary that the Mayor should give notice to the Members of the Corporation where he was; and wherever he then intended to be, I have no doubt that he gave that information. In the first place, the stranger did not direct them to Mr. Fripp's, but to Mr. Granger's. Then what reason is there to suppose that they did not afterwards alter their mind when they found that the Mayor was unwilling to go to Clifton, for that will at once solve the whole problem, and then this evidence of Townsend's becomes the plain truth; and admits, in my humble judgment, of no doubt whatever.

"Now, as to the personal conduct of the Mayor I have very little that I wish to observe upon. I certainly do think that here, as elsewhere, there was a shrinking from that just responsibility which he ought to have taken upon himself.—He might be fatigued, but still it was his duty to be, as he said he was, all the time at his post; and I am quite at a loss to know why it was that they left the Bishop's Palace and the Recruiting Office. What danger there was, I am at a loss to discover, for I have not heard of any, not the slightest cry against Mr. Pinney, and I am quite at a loss to know why he should make off at that particular period.

"Now it is remarkable how this odd unwillingness to meet responsibility betrays itself even at this moment; for Mr. Daniel

says, 'We went into the centre of College-green, and he then said to me, Mr. Daniel I have done all that could occur to me to do, can you suggest anything.' Now, that is what I complain of him, for that he could see no human creature without saying to him can you suggest anything for me to do—have you any plan, an engineer's plan, or anything? My complaint is, that a Magistrate ought to have known what his duty was, and I state, that his duty was to have got together and organized as soon as he could, either by hiring or by summoning and commanding, a force that might be employed in quelling these furious and atrocious riots; for I beg to have it understood that I do not in the least mean to diminish the horrors and atrocities of these riots, or to palliate in the smallest degree what was going on. I must own, that I do not think it was so bad a riot in the first place, as it has been represented to be, because I cannot conceive that my two learned friends, Sir Charles Wetherell and Mr. Serjeant Ludlow, in looking out of the window at a late hour of the day, should have expressed their conviction that the military ought not to be called out, if it was such a riot as has been represented, and surely we have too much discretion to suppose that when we talk of the military being called out, it necessarily meant that military execution should be inflicted. It meant that they should be there, as Lord Melbourne told the Magistrates, for the purpose of aiding and assisting those who did something for themselves by that Civil Force which the Mayor was to call out, and which the military were to assist.

"Then, I submit to you, that upon the Saturday evening there was considerable neglect. As to the state of the riot at that time, they speak of it as alarming—they speak of a man taking straw and putting it into the room, plainly for the purpose of setting fire to the Mansion-house. Now, whatever may be said about the unpopularity of the Corporation, I cannot conceive that that is at all to excuse a Magistrate from doing what he could do. It is not enough to say, that if he had exerted himself, he could not have succeeded; he ought to have exerted himself in the use of the means placed in his hands. Now, what were those means? On the evening of the Saturday, Colonel Brereton had been in there, and you heard the opinion

he had given. It seems to be admitted by my learned friend that it was so, that he had undertaken to clear the streets without violence, and he had, in point of fact, done so. Why, we cannot but pause for a moment, and think how strong must have been the impression upon the mind of every one of those Magistrates, that that tumult was at an end when such a report was made by a military man. But though the tumult was over, the alarming symptoms had appeared again. When, in the morning, they broke out again in the shape of attacks upon the windows, and the security of the Mansion-house, and they were beginning to collect again in the same furious manner—I say that even then it was too late to begin, for they ought to have begun during night to call upon the special constables to return —and they ought to have called upon every man to do his duty, whether he was inclined to do so or uot. I complain, then, of the apathy that prevailed in the Magistrates at that period. I complain that the Mayor called upon no citizen till half-past nine or ten o'clock, and I complain that he did not use that authority which alone would have been effectual. Union was required. It is ridiculous to say to Mr. Waring, or to Mr. Reynolds—why did not you go into the mob and seize the man? What one man could not do, a large force might have done, or even a moderate force might have done. Some hundreds called together, might have been competent to make a beginning, and then the smallest shew of a military force to assist them, would have been, no doubt, sufficient to have put down that riot. Many persons think that that would have been sufficient upon the Saturday. Mr. Hellicar thinks so, their own witness. Why did not they try the experiment of a civil force upon the Sunday morning? Will they say that they believe the whole town of Bristol was disaffected? It is a most strange and extraordinary defence, which I will observe upon more hereafter. But I say that they ought to have called on every man to come and assist as a constable. Instead of merely intreating the inhabitants to meet them at the Guildhall, in order to assist them in devising measures, they chose to throw themselves on their knees before those whom they ought to have commanded to come together with such arms as they could procure. But they think

proper to say, 'I shall be much obliged to you to tell me what you think'—and then, when there are certain plans suggested, those who suggest them are treated as prating fellows for doing the very thing the Magistrates requested they would do. Can anything be more evident, than that, if you collect a variety of people together, they will not agree in their plans? Some will be for the military, and some against the military; and, therefore, it is the voice of authority that is required to compel them by any lawful mode to proceed at once to do that which is is evidently necessary to do at once. I do not say that, at that very period, they were capable of raising a force sufficient to do that; but I ask you, as honest men, to tell me whether you can doubt that, at several periods of that Sunday, if the Magistrates had really been at their post, and had really collected that civil force which was within their reach, they might not have made a great impression upon that mob, and have rescued many of the houses before they got the third side of the Square?

"Gentlemen, look at the events of that day; when parties go to the Guildhall, there is no Magistrate there, or only one —there is no assemblage of Magistrates; at last they came under the earnest entreaty of their friends. There is a great deal of talking going on, and a great deal of very unadvised and inconsiderate talking, because Colonel Brereton was not to be directed in the way he was. They were not to look at the military as their only resource—they were not to command him peremptorily to bring back the 14th, when it appears that, upon his own explanation, they were satisfied that he was right. It was, I think, a rash proceeding. It is impossible not to lament the course that was taken. It is with pain that I speak with censure of any of those parties—God knows, that I do not wish to aggravate the case against them, but I think it is unfortunate that there was a tone of that nature constantly assumed by the Magistrates. Then they adopted the expedient of sending to places of worship—but say, in the first place, it was too late,—and I say it was not the tone in which they ought to have acted. They say the town was disaffected—was it sufficient then to entreat? They say that political feelings ran high—was it right, then, to rely upon any plan that private

parties might devise for the purpose? Now, only look at the succession of events; Mr. Waring states to you that he went by the Magistrates' desire to the Mansion-house, and that there he pursuaded the mob in a great measure to disperse, but that they said they should then go to the Bridewell and release the prisoners, and then to the Gaol. Now, were the Magistrates left in ignorance of that? On the contrary, Mr. Waring immediately informed them that the mob were going to the Bridewell to release the prisoners; but the mob had not then come. What steps were taken? Was the Bridewell a defensible place, or was it not? I say that the Bridewell is proved, in the clearest manner, to have been a place that might have been defended by a very few, even much more defensible than the Council-house, for it has twice as many windows.

"Now I say, that he should have endeavoured to have saved that Bridewell—only conceive, here was a strong prison, a stone building, a gaol on one side of a narrow passage and the Governor's house on the other, and gates at each end of that passage. Is there any thing more easy, in the first place, than to have closed those gates, and placed a small civil force within? Is it not clear that it is a place to be easily defended? and, if there had been five constables at the one end, and five at the other, I ask you if the mob could have forced their way in? and, if these men had gone with their staves, and Colonel Brereton had been strongly and distinctly called upon to take such dragoon guards as he had, to shew them, and, in case of necessity to have used them, do you mean to say that the Bridewell might not have been saved?

"You have had the most respectable persons called before you, against whom you have not heard the slightest reproach, except that they are Catholics or Dissenters; I wish we had had more of the Established Church on the other side. I like the orthodox specimen we have had in Mr. Bulwer; he is evidently a brave and strong minded man; but those gentlemen whom we have called, state that if a body of men, even a small body of constables, had been brought against the mob at the Bridewell, they could have made an impression; that there were men, women, and children, amongst the mob, and when the mob was at the Bridewell, one of the witnesses we have called

has said, he should have had no difficulty in walking through it. Then was that a place that admitted of defence or not? I say that it was, and that they had full notice of it, but it is not pretended, in any quarter whatever, that they ever made one slight attempt to defend it. They spoke to Colonel Brereton, but that was some hours afterwards, when the storming was complete, and the Bridewell in a blaze. It is not enough for them to say that Colonel Brereton hung back; they have not ventured to put it in their statement.

"These poor dragoon guards have been made the subject of a great deal of wit and merriment, and something out of the Edinburgh Review my learned friend has thought it worth while to bring up. These dragoons are supposed to have taken their degrees at Paris. Gentlemen, they did their duty, as is now admitted by Major Mackworth; but when the Corporation had allowed the mob to get that head, it was the interest of the dragoons to shake hands with them. These Magistrates can find opportunities to get their mutton chops and glasses of wine, and yet they expect these men to sit upon their horses for a great number of hours, without any food; and if they had not got this little sustenance from the people, there was no where else for them to get it.

"Gentlemen, that is my first charge,—that they made no attempts to save the Bridewell. If the Magistrates had ordered the soldiers and the civil force they had to go down to protect that place, that Gaol would have been saved. Other persons might have thought that the walls were strong enough, and that the gates could not be destroyed; but I say, it was the duty of every Magistrate, and particularly of Mr. Pinney, to call upon those persons to act who came to offer their assistance, and who shewed, by their language and their conduct, that they were willing to give every assistance that could be required at their hands. Gentlemen, that is my first charge; and it appears upon the information. Do not let me hear of a net being spread to catch innocence; it is in the information that they let the Bridewell be burnt, and they are prepared to give such evidence as they can, to shew that it was not feasible.

"Then, gentlemen, the second case is as to the Gaol: they had previous notice of the Gaol; they were told of both at the

same time, but the destruction of the Gaol was commenced after the attack upon the Bridewell was over. Now, was the Gaol a defensible place? It stood upon an island,—you could only get at it by drawbridges; why did not the Magistrates turn the drawbridges? It seems that there is a ship-yard, and they had not the command of the property, or the leave of the owner. Gentlemen, they had no business to wait for that. No man would have thought of it who was aware of his duty, but when the Gaoler comes to ask for advice and assistance, as to what he is to do, in that time of danger, think what a question for a gaoler to put to his employers, and that he should be sent away sunk in despondeney, and only told, that if he thought the mob would be appeased by letting out the rioters, he might do it. Is that a proper thing, gentlemen? I do not know that Mr. Pinney put it so, but my learned friend has, and has told you, that it was a case for the individual responsibility of the Gaoler. Is a mob to be satisfied with concession that reinforces it with prisoners? What are we talking of? Are we talking about men of common sense and experience? I say it was their duty to send and see whether they could turn the bridges, before they allowed them to pass over, and then a very few men, with staves in their hands, would have been sufficient to defend the place, which is admitted to be one of very extraordinary strength.

"Now, gentlemen, I do not wish to withhold any part of this case. I am aware that two Magistrates afterwards did shew very great spirit, but they do not appear to have understood each other; and that is another thing I complain of. You have no connected plan of operations; at one time they go before the military force arrives, and at another time they come afterwards. If they had gone together; if they had told Col. Brereton, 'we are going to this gaol, and we call upon you for the assistance of the soldiers,' there would have been a great probability of that assistance having been given. The place admitted of an easy defence, and it is entirely neglected: that is a part of the charge I make against them.

"Then, gentlemen, what do they do at the Palace? They do not go there, at any rate, till the mob had got such a head that it was impossible to make any impression upon it, and they gave no notice to the soldiers of their intention to come.

"Then the Mansion-house was fired, and the Custom-house, and the Excise-office, and forty private houses, one after another, during that long night, by a mob intoxicated and divided by plunder and violence, and not under very favorable circumstances, the rain lasting all day; and yet there is no attempt to dislodge them, during that long time, until five in the morning.

"Gentlemen, it is admitted they did nothing; but then there are various defences made. One rests upon the great unpopularity of the Corporation, that they had been so extremely disliked by those over whom they governed, that they could not expect that they should get any good assistance from them. Now, gentlemen, I cannot believe that,—however a Corporation may be unpopular, they have great influence, they have great connexions, and many dependants, by reason of the property they possess, and the pre-eminencies they are able to bestow; and to say that they had no party in the town, is to say, what I have no doubt Mr. Hellicar has heard, for the first time, from his own lips. In a borough town, that has a wealthy Corporation, it is impossible but that there should be strong feelings in their favor, but they did not look to the friends that they might have relied upon. Have you any doubt there were persons connected with them, in various ways, who would have come to their assistance, if they had been called upon? Suppose they had been told, 'the Mansion-house is threatened with fire, and the mob are proceeding, in the same way, to attack other property, we call upon you to come and render us your defence and assistance;'—is there any doubt that there would have been many in the town ready to do that, who were most strongly connected with the Corporation: the only possible reason for their hanging back is, that they may say, 'we felt a degree of attachment to you, but we were not aware of your danger.' Then they should have been informed of it, and notices should have been issued to bring them to the spot, to resist the rioters

"Then, it is said, not only the Corporation was unpopular, but the whole city was indisposed to give any assistance, and we hear about the Reform, and Reformers, and Dissenters. My learned friend reminds me of the question of re-action. Now, upon that I will only say, that it has been proved by Mr. Hare, that the mob thought that Sir Charles Wetherell had said, in

the House of Commons, that there was a great re-action in Bristol. If he did say so it was a great misfortune, and no little indiscretion, because, for a person not representing a place in Parliament, but representing a place in a remote part of the country, and connected only by judicial ties, and who ought to have been known only as a judge, for him to answer for a re-action in the public sentiments in Bristol, was unfortunately a challenge for that sentiment to betray itself, in a way that persons are sometimes apt to resort to; it is a great misfortune, and a great indiscretion, and I cannot state it in any other terms. If the Magistrates were aware of that, it was the more their bounden duty to guard against it, and to get together what force they could, which they saw there might be a necessity for; and no doubt there was a great body of citizens attached to their cause, who would have been ready to have come forward, and assist in defending the Corporation property. But, it is said the Reformers are another class, extremely unwilling to enter into this, and they were not to be supposed as likely to defend the Corporation property; they were the enemies of the Corporation. Gentlemen, what a curious argument that is, when we see who did assist. The witness, Mr. Newcombe, who is a brave man, gave up his whole time, from the first to the last; he says he is a Reformer, and so strongly a reformer, that he would not interfere to prevent the shew of public spirit against the supposition of a re-action; but he did go out to save the Mansion-house, when it was attacked. Look at Mr. Shepherd, Mr. Selfe, Mr. Reynolds, and several others, all men of that opinion, and of that class; and, amongst others, Mr. Waring, of whom I hope you will permit me to say a word or two, as his name has been mentioned in connection with mine. I may say, that having heard of Mr. Waring, in the House of Commons, so far from feeling any shame from having corresponded with him, I sincerely hope, that this occasion, painful as it may be, will ensure me the friendship of Mr. Waring as long as I live. I have the highest respect for him; and, I think there is nothing that has passed from him, that shews he is not entitled to great respect. He was an active man, going to the Magistrates, and giving them useful information, and ready to risk his own personal safety. Was he rejected? Did not the Mayor

ask him to go and assist them, and to suggest his plan? He did suggest it; and then you are to have a great attack made upon his evidence, because there was some hesitation in his stating what cannot be fully justified, and which Mr. Waring, from his manner, evidently felt sorry he had done, upon the occasion. But what is a man to do when he is called upon for a plan, in a desperate case? The Magistrates tell him they cannot get the military, and he sees that they cannot get any civil force, but they are ready to hear what Mr. Waring suggests; he had just run from the Mansion-house, and seeing there that the mob is more dense than the parties would be willing to contend with, he suggests what is very culpable, and it is plain he thought so. But is a man to be censured because he happens to give the first thing that occurs to his mind? If a man has read any thing in a book, or heard an anecdote of something having succeeded upon some former occasion, that is the thing that occurs to him; and this thing of burning Sir Charles Wetherell in effigy occurred to his mind, and he was unwilling to divulge it here, without making an apology. But he went and gave his information; and, if it had been acted upon, it might have saved the city from damage, because you will remember, if once a resistance is made, in the presence of numerous parties, the first step is the example that induces others to join, and the want of that first step is the cause of the mob ultimately getting too great a head, and afterwards being so difficult to put down.

"Some observations have been made upon Dr. Carpenter,—did you ever hear of more activity?—a gentleman venerable in the highest degree for all his excellent qualities—well known to the public as one of the first of teachers and one of the most learned and ingenious writers,—a gentleman in every sense of the word, making a sacrifice, making himself the slave and the messenger of the Corporation. The young men feel themselves overpowered and want some assistance, and how is he received? He is told 'Oh! the Magistrates cannot be every where at once—two are gone to the Goal, and we shall not have a quorum if any more go,"—the witnesses have not been questioned as to that. Gentlemen, what does that mean? I do not understand it—they were not wanted for a quorum—it was not a Bench of Magistrates deciding upon the settlement of a pauper, but they

were to preserve the public peace—they had all co-ordinate authority, the Mayor having superior rank, and therefore, he is brought first before a Jury. This gentleman goes backward and forwards and he speaks to the Magistrates, but the mob are still proceeding in the work of destruction; and I ask you whether it is possible to believe that that witness has not laid before you the true state of the mob, and that it might have been put down several times? Mr. Edgeworth tells you, that with his partner, Mr. O'Farrell, he went to offer his services, and he tells you that the manner in which the offer was received was quite enough to prevent him coming forward with any suggestion. Mr. Roberts states, that he addressed his congregation, and that he went to offer his assistance—he proposed speaking to the mob. So that from seven o'clock on Sunday morning till six o'clock on Sunday night, nothing was done but to send Mr. Roberts to induce the mob to go, when it is proved he could not address them they had become so violent. This also proves another thing, that there was great confusion and absurdity in their councils, and not that sort of spirit which ought to have been brought to the occasion when the riot was raging in so violent a manner.—Mr. Lock is there, Mr. Protheroe and Mr. Jenkins; I do not know what party they are of; and there were numerous other parties going to offer their assistance, and that assistance the Mayor and Magistrates did not avail themselves of in the slightest degree.

"Gentlemen, it occurs to me now, to mention the pensioners—the pensioners ought to have been called out. Major Mackworth gave notice that three hundred were in the town of Bristol—upon former occasions they had been called out, and entrusted with arms. It appears there is a difference of opinion as to permitting the use of arms in the hands of persons not accustomed to them. I do not deny that there may be danger in it, but it is infinitely less than that of leaving the mob unopposed; but these pensioners were accustomed to them, and I should like to know why they were not told that arms would be furnished to them, and that they might go into the crowd without any objection. You are aware that two have been called who did go—that their companions called them together, and told them that they might go, and perhaps earn a few

shillings, by doing a loyal act for the Corporation ; they went, and their services were shaken off.

" Then, Gentlemen, is this a town so entirely destitute of all spirit as to stand by and see the Mansion-house burned because it is Corporation property, and that they do not shrink from it, because it is private property ? Mr. Selfe was the first person who expressed that sentiment—but what was the line he followed ? It was Miss Vigor's house, and when there was a great cry and lamentation at that house being pulled down, and that there were ill-conditioned people in the mob, wicked enough to speak of it with joy. But when it was asked whether the Magistrates had not an interest in protecting their property, had not the citizens the same interest ? Was it to be supposed that, when the mob had once got a taste for blood and slaughter, that they would stop with Corporation property ? Mr. Cooke goes away disgusted and dispirited at the want of any organization or plan exhibited by the Magistrates in calling upon the citizens to proceed with a proper degree of spirit in the protection of their own rights.

" There is, also, another class of persons upon whom I wish to make some remark—it is supposed something extraordinary is meant by the name Political Union—directly it is mentioned there is a movement, ' Oh ! Political Union !' as if that class of persons were destitute of the feelings of men. I admit there is fear, and I have no doubt it would have been so if it had been a question between Sir Charles Wetherell and those whom he thought fit to bring a charge of re-action against—that many of them might have held back, and I am not sure that many of them might not have gone further, but are you to suppose they would pursue that course when the lives and fortunes of all are in danger ? You have the answer in Mr. Herapath himself, you have him at the Gaol addressing the men in the execution of their lawless proceedings, and telling them they are their own enemies—and then who are the persons resorted to ? Mr. Hare employs Mr. Herapath to hire the members of this very Union to come and assist in restoring the tranquillity of the town. Why were not they tried the day before, when Mr. Herapath was doing all in his power to prevent them committing these outrages ? It was worth while, then, to see whether that

was not the proper time—but, at all events, it shews there was no indisposition on the part of the people to repress the mischief. Mr. Edgeworth particularly expresses that, that in the multitude that surrounded the mob. committing the outrages, many expressed their regret, and there might have been many called upon by the authority of the Magistrates to come forward, but their authority was not exerted in that direction. Nay, more, there is no proof that any person was stationed by the Magistrates in Queen-square to report the proceedings to them as they went on. I know it will be said, as to the Political Unions, that Mr. Harmar saw people keeping the peace who had been committing destruction the day before, and that would be a re-action certainly, which they were bound to watch for. Were they to say, 'you would not help us to preserve our property, and we will not help you to preserve yours?' And, I was sorry for the sentiment that Major Mackworth avowed, that for want of proper exertions at the same time, that he knew but little of the exertions used, for he was away the great part of the Sunday; that he went to bed at eight or nine in the evening, and left the parties to come to their senses, and wait till the town was burnt, or further mischief was done, and then they would probably come forward and defend the Magistrates. I know there are sometimes such feelings in people's minds;—let them go on, they will not be better before they are worse. It is necessary to make out a case for the military to come in, and if that was the object, undoubtedly the best means were taken to procure it, for there are no means of dispensing with the services of the military so effectual as strong exertions to compel the action of the civil force in the first instance. I should have stated that there is no complaint made of that; the Mayor was bound to tell the Secretary of State all that occurred; he was bound to state the causes of the mischief, and he does write to Lord Melbourne, but that was after the meeting had been held—after the merchants and principal men of Bristol had determined that there should be something done, and that meeting came to very strong resolutions. The Mayor writes to Lord Melbourne, to state what took place, and he does not make one complaint against the soldiers or the Political Unions, or of any unwil-

lingness on the part of the inhabitants, particularly the fact as to the Political Union. That was what the Secretary of State ought to have known, if it had been true: they keep him in ignorance upon that, because they knew they had no ground of complaint upon that subject. Mr. Harmar was a marked man, it is plain to any one: you saw how he gave his evidence; did you see what it was that provoked his laughter? He said, 'when we had made two prisoners in the Mansion-house, I was for despatching them,' and that produced laughter on the part of Mr. Harmar, and some of those who listened to the evidence. Is a person who talks in that way, that when he has secured two men he is for despatching them, to be surprised if he receives an intimation from the crowd that they do not approve of his conduct: it is not in humau nature; it is not in the lower orders, who perhaps feel that their lives may be sacrificed by a rash order given, or by casting the reponsibility upon the military.

"Gentlemen, I believe I have now done with all the classes supposed to be so inimical to the Corporation, that they will not come forward to defend their own property. But only see, after Miss Vigor's house was condemned you have house after house condemned to the number of thirty, and every one of them was in the jurisdiction of the Magistrates. Suppose you had owned one of them, and had been absent at the time, and the Magistrates had retired, one at nine o'clock to bed, and the others to some other places, I think you would have had a just right to complain; and I will never cease to say, that those unhappy men who were executed for the commission of crimes, so encouraged, have fallen victims to the apathy of the Magistrates—it is the impression upon my mind, and I am bound to declare it, entertaining it honestly,—I say their encouragement of the crime by not resisting it by all the means which they had, as Magistrates, possessed, does divide the responsibility with those men, the victims of the law, or of carrying it into effect.

"Gentlemen, let us now enquire a little about some other parts of the case, upon which we were to have some contradictions. There are two Serjeants brought before you. At the Council-house there was another meeting at half-past three, and

the same weakness, the same irresolution or the same resolution to face no responsibility is manifested—they called upon no man to act at all, but when certain gentlemen expressed their wish to go to the Bishop's Palace, the Mayor is called upon to lead them—he expresses his willingness to do so—he appears at the door and on the stairs, as if about to lead them, and he actually returns to the room and does not proceed at their head. I acquit him most fully of all those base motives imputed to him, but it must have proceeded from this wretched irresolution and vacillation of purpose. Is it not clear, that it was the disposition of that party to make resistance, and few and dispirited as they were, is it not clear that they were ready to have resisted, and that they expected to be led on by the Mayor even to a personal conflict with the rioters? It is said, that a Magistrate is not bound to expose his person. You are Magistrates,—is that what you lay down to yourselves? I am to be in the recesses of my Council-house or my muniment room, and I am to take care to stay away. I, as commander-in-Chief, do not come forward. Then let them act as Commanders-in-Chief; let them not submit their plans to every wild inexperienced man that comes among them, but let the prisoners be released—let them act in some way either as Commanders or soldiers. I say, a Magistrate may be bound to expose his person, and I heard nothing with more surprise than that conference between Mr. Serjeant Ludlow and Colonel Brereton. 'If I take my men among the mob they will be sacrificed.'—'Is that a soldier's reason,' says Mr. Serjeant Ludlow, 'do you object to expose the lives of your men?' I have no doubt that in mounting a breach, Col. Brereton would have sacrificed his life without hesitation; but when he is called upon to put his fellow citizens to death with the sword, I ask you, whether his answer is not a reasonable and just one in saying, that the soldiers' lives are not to be needlessly exposed;—and is he not right in this observation,—if I should go and disperse the mob, what would you gain—it would only be a single successful charge while the whole Civil Force is kept back from acting, and we should not be able to maintain the position? I think it was a very just view that Colonel Brereton took. Mr. Serjeant Ludlow, it appears, at one time had suspicions that other persons enter-

tained, that Colonel Brereton was either a traitor or a coward, and I presume, it was under that impression that that statement was made to Lord Hill, in which no blame is taken by the Magistrates, but they are supposed to be at their posts. My learned friend says, 'I impute blame to nobody, but I beg to ask whether the soldiers were properly directed to discharge their duty.' It is some satisfaction to think, that Colonel Brereton's memory receives this tardy vindication. That he was no traitor, is now perfectly clear—that he was no coward, was proved during the course of the proceedings—he had taken no degree in the University of Paris; he came forward to do what he thought was best for the public service, and it is not denied, that up to a late period he did what was the best, and when Mr. Hellicar is finding fault with him for not firing upon the mob on the Saturday evening, he would have done a most absurd and most mischievous thing if he had fired, as well as most cruel and inhuman. It is said, that the military were made an essential party in any common acting, and Mr. Serjeant Ludlow tells you he thought it not wise to inform the citizens that the military had departed. If the citizens did not know it, could anything be more reasonable then for them to say, 'Colonel Brereton is under your orders, the 14th dragoons are under his, and why are we to expose ourselves, without the assistance of the military to back us?' If they did know the 14th dragoons were gone, it was the more necessary for the Magistrates to exert more spirit, and take care there should be nothing deficient in calling upon that strong physical force, which even the physical powers of the men called before you prove to be very considerable, and which would have been backed by hundreds of the people, where they could have had a chance of succeeding.

"Gentlemen, with regard to the Recruiting-office, you recollect what has been stated by the two serjeants. I am stating this as shewing that the Mayor was thinking too much about himself, and too little about the public peace; and that charge it is impossible for me not to make, and I call upon you to consider the evidence that proves it. It is proved that, about six o'clock, those two soldiers saw the Mayor; that one was placed as a sentry to watch, and the other heard the conversation, and heard a request to know how they might escape. I

will call this to your recollection; the argument on the other side is, that they could not do so; that there was no danger; and that therefore he could not ask any body to contrive his escape. The last thing Mr. Serjeant Ludlow said, in his evidence, was that when he was in the office, and at a particular time, there was a talk of the mob coming to the Bishop's-palace. Was that no danger? Was not that the only danger that could ever come upon them at that time? Upon the second occasion, it is admitted, that they left the office, in great apprehension; and I am, at this moment, at a loss to know why that was not a place of safety, as much as any other place in the town; it was very central, and near the military, and very unlikely to be attacked; there was no plunder to be got at the Recruiting-office, and if the mob and the soldiers were to come in collision, they were not likely to ride them down; and it is not pretended, at any time, that any threats were uttered against them. I think there was something unfortunate, at that particular period. I cannot understand why the Mayor did not remain in the office; and if he did not remain there, why he did not go to the Council-house; why should he be asking Mr. Daniel whether he had any plan to suggest? There had been something like a plan adopted; they had agreed to defend the Council-house, locking themselves in, keeping themselves unknown to the mob. I cannot account for it. I have heard no reason given for it. Mr. Daniel says, he passed backwards and forwards without any molestation, in the streets; and I do not see why it was not as safe as Park-street, or Berkeley-square. But, gentlemen, what a material matter this is; Mr. Daniel thinks this occurred about nine o'clock; whereas, it was twelve when he wrote that letter. What in the world was to be done by an officer, or any body who might want the Mayor in the interim, between leaving the office. and finding his way to Mr. Fripp's, in Berkeley-square? Nay, more than that, until the time that the chance messenger had told Mr. Brice and Mr. Burges, and others, where he was likely to be found,—suppose you had gone there with your troop of yeomanry, imitating the gallant conduct of Captain Codrington, what would have been your feelings, if on coming into the town, instead of finding, by your messenger, a quarter-master, you were doomed to knock at different doors, and

look in all quarters for a Magistrate, without being able to find one? I charge it upon the Mayor, as a terrible dereliction of duty, that he had not found means to make it perfectly known where he would be found in the interval between leaving the office, and his return to the Council-house; it was doubtful whether his letter ever would arrive; it appears Colonel Brereton did not get it; it came to some other officer. The Council-house people got the intelligence, but it came through the hands of a messenger, a stranger to them; and, during that terrible interval, while houses were burning by an uninterrupted mob there were in the town 58 men, capable and willing to put that mob down, if they could but have found a Magistrate, and and in that period no Magistrate was to be found. I do not ask you whether that is conduct that can be called praiseworthy? The Mayor had, no doubt, retired from fatigue; but there were eleven of them, and the Magistrates should have fixed upon their head-quarters; they had stationed themselves at the Council-house to make a defence, but nobody knew where they were, and they were removed, from an opportunity of giving any directions as Magistrates. At three o'clock in the morning, when a further request is made, they send their answer, 'I fully authorize Colonel Brereton, or any other officer, to go and quell the riots;' so that they gave an opportunity of having a charge made by the military, the necessity of which they are not, in the least degree, in the capacity of forming a judgment upon. That is my complaint; not that their lenity was too great, but that their course might have led to the commission of murder, in many instances, while they took care to avoid all responsibility, and for which the soldiers were to be made answerable, and for which, perhaps, they could not have been defended. And here I will allude to the case of Captain Lewis being tried, without the defence of the Government. Captain Lewis was tried for manslaughter, and acquitted; that was a clear and distinct case; he wanted no assistance, and asked none, nor would it have been proper to give it if asked; therefore, let us get rid of that. But suppose Major Beckwith had gone and made a charge in the Square, and a jury thought it uncalled for by the circumstances, what would he have had to shew, as a warrant for his act? Could he have produced a letter

from the Magistrate, you are to charge and kill where you think proper; you have given me no authority; none. You have avoided it. But Major Beckwith, like a man of honor and spirit, did take the responsibility upon himself; he did find what he conceived a sufficient necessity, and what, in the first instance, was perfectly sufficient to justify the course he took, but the Magistrates had done nothing to put him in a situation to avail himself of their judgment; they were at a distance from the spot.

"Gentlemen, I may be allowed to say, that Major Beckwith went afterwards, and saw the Magistrates; and he then saw a disposition on their part, not disputed on the part of any one, which is a key to the whole of their proceedings, and amounts to the whole extent of the motive I mean to impute to the Mayor. Major Beckwith, though he does not think it necessary, thinks it highly desirable that he should possess the authority of a Magistrate; he finds several assembled; he asks them in turn; the answer of one is, 'Oh! I shall be unpopular;' another, 'Oh! I shall have my property destroyed;' or 'My shipping will be destroyed; we have given you written orders, and you will go and execute them as you think necessary, at the time.' I may mention that the Major is now satisfied that he was mistaken, as to one gentleman he named, Mr. Alderman Abraham Hilhouse; he is convinced he was wrong in believing he uttered the particular expression imputed to him; but, on that occasion, those gentlemen were collected together, and they were required to go out by the Major, to see the necessity of his exercising his sword, and every one refused. He was a perfect stranger to all; known to none of them; coming from a distance; none of them had any means of knowing him, and they are ready to send him to a distance, to a place where they knew nothing about what was going on.

"Gentlemen, I ask for an account of what was done that night. I ask what the Magistrates did, between leaving the office, and when Major Beckwith cleared the streets? Did they do any one thing that Major Beckwith might not have done without their authority, and which Captain Codrington would have done, if he could have found any one of them? It is not because the riot has been raging, and the Riot Act has been read twenty-

four hours ago, that that gives the sword any license against the people; it must at that moment be necessary for the dispersion of the rioters. I say it was not necessary; in many instances, they were not all rioters, but plunderers; and the plunderers might have been arrested by the soldiers, and the rioters put down, if assembled in force, as they are at last put down, after a delay of many hours, and which Captain Codrington would have rendered unnecessary, by the common operation of the law.

"Gentlemen, it is dreadful to think of Captain Codrington thus wandering about these streets, in search of those who would have authorized those proceedings, which would have rendered all effusion of blood unnecessary. It is mainly and particularly, for neglecting to watch their opportunity to turn the tide, and keep together such a force, as when the citizens came to their senses and became sober, was an adequate force for the suppression of the riot; it is upon that I am justified in asking for your verdict against that gentleman, the first Magistrate of this devoted city. Not even the 300 constables were kept together; no application is made to any set of men, the Irishmen or the firemen; nothing is arranged in the way of defence; you have nothing but that vague and unsatisfactory evidence that there were, as how should there not be, numerous persons, who were expressing themselves in vile and malignant intentions towards their betters. Never was there a crowd in which that feeling was not expressed, and never was there a mob of Bristol, at which you could not find a swell mob, with their silk stockings. What is the number of the swell mob there? I should like to know. They were prevented carrying the plunder away, and it had almost ceased to be a mob before Major Beckwith came, and finally dispersed them; they were not even numerous, at the last period; they were dropping off from intoxication and plunder, and I presume, from the rain and weariness, and all those other circumstances that were sure to arise, and which did arise, but arose for no benefit to the city, unless there was a vigilant Magistrate, ready to perform the duty he owed to his fellow-citizens. You will not forget that their jurisdiction is exclusive; there were other Magistrates who might have had general power, but the peace of the city is confided, principally,

to those gentlemen, and it is thus that they have preserved it, that the property is destroyed through the medium of these breaches of the peace.

"Gentlemen, I have abstained entering into a vast variety of particulars, of which I had taken numerous notes; I really feel that a great quantity of the evidence is altogether immaterial. A little more or a little less,—a few expressions here and there, of anxiety, to act with the military or without,—the question of defending the Guildhall, or any other building, are all subordinate to the main question. We have seen the most calamitous events, the most widely spread misery, desolation, and crime; and we have seen nothing like a reasonable effort to prevent it.

"On the Saturday, I would ask you, whether you would like to have been in those rooms up stairs at the Mansion-house,—which is uncontradicted,—and in the absence of that evidence, I would ask you, whether you would not have endeavoured to repair the misconduct of the special constables—whether you would have been satisfied with requesting the attendance of the people, and whether you would have heard the Bridewell was about to be attacked, without taking any means to save it; and whether you would not have gone, and endeavoured to have prevented the mob crossing the water, and seizing the Gaol; and when this profligate mob was increased from another Gaol, whether you would not have thought it your duty to make repeated calls, by the voice of authority, upon all men of all ranks; and having been repulsed from the Bishop's Palace, and from the office, I ask whether you would have left it, and retired for two or three hours, where no mortal could know where to find you, whatever assistance might arrive from reinforcements?

"Gentlemen, this is, indeed, as my learned friend says, a most important case; it will guide the conduct of the Magistrates of England, in all time to come. We have gentlemen from a county of the first respectability, called to decide this case; and I do assure you, I have never once asked a question as to the political sentiments of any one of you. I have endeavoured to argue it upon its own merits, and with the same simplicity and distinctness, that I laid the case of felony before the jury at Bristol. If I should appear to have appealed to any

feelings, which may, by possibility, exist in your minds upon subjects endeavoured to be connected with this case improperly, I do most solemnly assure you, that I lay them aside. I consider this as a case on the part of the King's Government, without the slightest reference to any effect that may be produced on any party in the state, and without any consideration but this—aye or no,—is the truth of this case with the Mayor, or is it not? Your own views of your duty will go far to decide this case. If there is a duty more sacred than that of a Magistrate, it is that of a juror, and it is not to permit himself to be led away here, by any topics of momentary excitement on the part of the defendant, or on the part of the Crown; for such attempts would be most unjustifiably made, and it is only to help them out of the case that I allude to them now, entreating you will think no more about them than if they were a part of the history of some Greek republic, and confine your attention solely to the point, whether you can, in your consciences, and upon your oaths, say to the defendant, 'You have conducted yourself with such energy as the Mayor of Bristol, that from the beginning to the end of these riots, you were justified in imputing their countenance to the indisposition of those people surrounding you, who had a common interest and a common feeling, up to a great extent, and whose lives and properties were under your protection, and who had a right to expect the exercise of reasonable prudence, in arresting the most dreadful calamities that can fall upon mankind. This is all I wish; and I give it as my parting charge, if I may so, upon this subject; dismiss all feeling, and let all prejudice, of whatever description, sleep entirely in your minds; take what you conceive to be the true criterion of truth, and ask whether your own conduct would have been satisfactory, if like that of the gentleman accused. I acquit him of any of the bad motives that degrade human nature; but ask yourselves whether I have not proved, that he has conducted himself in such a manner, that if other Magistrates adopted him as an example, the peace and tranquillity of the whole community would be permanently endangered."

Mr. Justice Littledale.—Gentlemen, there is a great body of evidence, and it is a very important case; it is now getting

late; I do not know whether you would like to wait till to-morrow morning, before I sum up.

A JURYMAN.—It would be a satisfaction to us if the information was read over distinctly to the Jury.

Mr. Justice LITTLEDALE.—The Officer of the Court will do that.

Mr. Justice TAUNTON.—The first count would probably be sufficient.

A JURYMAN.—Yes, my Lord.

FOREMAN OF THE JURY.—We will defend it till to-morrow morning, before the charge is given.

ANOTHER JURYMAN.—It is submitted to the convenience and approbation of your Lordships, whether it should be deferred till the morning.

Mr. Justice LITTLEDALE.—I will do as well as I can now, if you wish it; but there is such a mass and body of evidence, it would be more convenient to begin to-morrow. You will perhaps first decide whether you wish the Judge to read over, minutely, sentence by sentence, the whole of the evidence.

SEVERAL OF THE JURYMEN.—Certainly not.

Mr. Justice TAUNTON.—If you wish him to read it over, it would require some preparation to-night, to enable him to do it with all the correctness desirable.

FOREMAN OF THE JURY.—Certainly not.

Mr. Justice LITTLEDALE.—If you are satisfied I should not go into the evidence, if you wish me to proceed to-night, I will do so.

FOREMAN OF THE JURY.—No; to-morrow.

Mr. ATTORNEY-GENERAL.—Some of the Juries, in the other cases, are anxious to return; there is no chance of your Lordship's taking them in Term.

Mr. Justice LITTLEDALE.—Certainly not.

Adjourned at ten o'clock.

SEVENTH DAY.—THURSDAY, November 1st, 1832.

The Jury were called over and were all present.

SUMMING UP.

Mr. Justice LITTLEDALE.—" Gentlemen of the Jury, this, as you are aware, is an information filed by his Majesty's Attorney-General—of course you have looked at the information "

A Juryman.—" We have, my Lord, and have read it attentively."

Mr. Justice Littledale.—" This is an information filed by his Majesty's Attorney-General against Charles Pinney, Esq. who is stated in the information to have been the Mayor, and in other counts to be a Justice of the Peace for the City and County of Bristol; and the subject for your consideration relates to the conduct of the Chief Magistrate of one of the largest cities of the British Empire, during one of the greatest and most serious riots that has existed in this country for half a century. He is charged with criminal neglect of his duty, and thereby occasioning a great part of that destruction of lives and property that occurred upon that melancholy occasion; and it has been deemed of such great importance that instead of having the case tried in the usual manner at Nisi Prius, it was thought proper to be tried at the bar of the Court, in order that if any difficulty in point of law arose upon the subject, it might be more solemnly argued than it could have been at Nisi Prius.

" Gentlemen, this trial, at the beginning, was attended by a full Court; but, unfortunately, my Lord Tenterden having struggled for three days to attend this important trial, felt himself under the painful necessity of absenting himself, and could not further attend.

" Gentlemen, there can be no doubt whatever, that, by the law of England, if a public officer is guilty of criminal neglect of duty, he is liable to a criminal information; but I am not aware of any information of this nature having been put in practice, except in the case of Mr. Kennett, who was Lord Mayor of London during the riots in 1780, and who was tried before Lord Mansfield, at Nisi Prius, at Guildhall. He was charged with specific offences,—with not reading the Riot Act, and also general neglect of duty. The circumstances of that case were somewhat different from this: he was charged with special offences—with not reading the Riot Act, and releasing prisoners; but here the charge is, you observe, for general misconduct—taking into consideration the conduct of the defendant during the whole course of these proceedings, from an early hour on Saturday morning to the same hour, or rather later,

on the Monday following; therefore it is much more vague, and extended to a greater latitude of enquiry; and you will have to bear in mind, that where the subject is more general, it will require more consideration than where it is reduced to a single charge.

"Now, gentlemen, it appears, that what gave rise to this was, that Sir Charles Wetherell, the Recorder of Bristol, and who had been appointed in 1827, had fixed Saturday, the 29th of October, to hold the Gaol Delivery in that city. From the opinions he had expressed in Parliament upon the subject of Parliamentary Reform, and which was a subject which at that time agitated a great part of the kingdom and Bristol also, it was apprehended that there might be some risk of riot and turmoils, if he should come to hold the Gaol Delivery at the time he intended; and a deputation was sent to London to hold a communication with Lord Melbourne, the Secretary of State, and also with Sir Charles Wetherell, to consider of the expediency of his coming as he intended. It was however determined that no alteration should take place, and that he should come as was intended; but it seems that his Majesty's Government promised to send some troops to Bristol, in case any riot should occur, and it was necessary to act.

"Accordingly Sir Charles Wetherell came on the 29th of October, the day fixed. There had been a consultation among the Authorities there, whether it would not be advisable to have further protection for the escort of Sir Charles Wetherell on that occasion, than was usually had in the city, either upon the entrance of the Judge of Assize, or the Recorder—and it was deemed expedient that three hundred special constables should be appointed; and that was thought sufficiently adequate to protect all parties upon that occasion. Accordingly, three hundred men were procured, not all special constables, for a great many refused to be sworn in, and they could not be got; but upwards of one hundred attended, and others were hired, so that altogether there were about three hundred men.

"As soon as Sir Charles Wetherell arrived at the town, there was only a small number of persons assembled; because, having gone at ten o'clock in the morning, which was earlier than usual, it was not known he had entered. However, the mob

increased; there was a pelting with stones and other missiles, and that continued till he came to the Guildhall. At the Guildhall the Charter was read, and the Commission opened,—still, however, the same degree of confusion, and riot, and hisses, and groans continued till he got to the Mansion-house; the same scene continued there—the special constables were there—and the mob were increased in great numbers—and the special constables were not able at one time to keep the people quiet; it was then proposed to call in the military, but Sir Charles Wetherell objected to it; his advice was followed, and the military were not called in immediately, but a short time afterwards it was thought actually necessary. The Riot Act was read; and the mob had increased to such an extent, that it was deemed expedient for Sir C. Wetherell to leave the Mansion-house, which he did at six o'clock in the afternoon, and, finally, in the course of the night, he left the city.

"Gentlemen, the confusion still continued,—the Mayor went out to address the people—the Riot Act was again read—and also at a still later hour in the morning. The military, at one time, were compelled to act, and it was doubted whether they ought not to fire in case of necessity, but the Mayor was dissuaded from it; the mob and the constables alternately prevailed, and various conflicts took place, and persons were wounded; some of the constables were wounded, and some of the military were wounded, and some of the mob—and, in the course of the morning, a boy was killed, not in the neighbourhood of the Mansion-house, but below. However, by the exertions of Major Mackworth and other persons who organized the special constables, the mob was got down by twelve or one o'clock in the morning; different persons went to their houses, and Major Mackworth went to his home; but the Mayor, it seems, whose residence was at the Mansion-house, thought it right to stay upon the spot; he did not go to bed—perhaps he could not—as they had been taken down to barricade the windows. This continued during the night—all was quiet; but at an early hour, about six or seven o'clock, the mob began to assemble again, and they assembled in greater force; the life of the Mayor was considered in danger, and he was actually directed by Major Mackworth to leave; he told him, as a

military man, that he was bound and that it was his duty to go away, and he did go away, and made his escape from thence; the mob increased—they became occasionally quiet—but they went on alternately increasing and decreasing in violence till the middle of the day, when they attacked the Bridewell. The Bridewell, gentlemen, was attacked and burnt, and they released the prisoners taken the preceding night.

"Then they proceeded to the City Gaol, and there they released the prisoners that were to have been tried by the Recorder—and they destroyed the Governor's house. They then went to the Toll-house, at the Dock-gate, which was partly destroyed; and they went to the prison at Lawford's-gate—which, though in common parlance, a part of the city of Bristol, is out of the jurisdiction of the city, is in the county of Gloucester—and they destroyed that. Then they went to the Bishop's Palace, which they set on fire, and partly demolished: they were repulsed by the constables, who kept them off for some time; but the military having retired, the mob returned, and the Palace was consumed.

"At this time the mob had acquired great strength; they had demolished the Custom-house, and they burnt the Excise-office, and the houses on two sides of Queen-square, and they were beginning to burn and destroy the third side, when the 3rd dragoon guards came, and prevented it, and no further violence occurred; they were sufficient to keep down the mob, till, by the arrival of the 14th dragoons, and also the arrival of a further troop of yeomanry from Gloucester, peace was restored in the city; they made successive charges from street to street, where they saw people collected together, and, by the middle of the day, tranquillity was perfectly restored.

"Now, gentlemen, all this scene of destruction,—for a great many lives were lost, many persons who had got into the houses after they were set on fire, were burnt in the flames; many lives were lost, and a vast destruction of property took place, — naturally calls for enquiry into the causes of it; and as the military and civil power acted upon that occasion, it is fit to enquire whether they have acted properly—whether it was owing to the civil or military authority—both, or either of them—or whether they were wholly incapable to stop the mob, owing to its great power.

" A communication was made of all the circumstances of the case to his Majesty's Government, by persons appointed to examine into them, and also by the defendant—the Mayor, Mr. Pinney himself, who wrote a letter, stating his view of the case, to Lord Melbourne, the Secretary of State for the Home Department.

" The Government very naturally determined, as it was to be expected they would do, that a regular public enquiry should be made into these matters, and accordingly a Court Martial was held upon some of the officers who acted upon that occasion, and now the present Information comes before you. They directed that an Information should be filed by his Majesty's Attorney-General, which comes before you for enquiry, and you are to consider whether, upon this occasion, there was any default in the Mayor, who is the only one charged in this Information. There are ten Informations altogether against the different Magistrates ; the only one for your consideration is that against the Mayor. I have only given you a general history, to shew how the case comes here. I will state to you my notion of the law presently ; and if my learned brothers wish to address you, they will have an opportunity of doing so when I have done. It will be hardly necessary for me to state very particularly what the charge is. The general charge is, that on the 29th of October, these riotous and unlawful assemblies took place in the city of Bristol, and that violent attacks and outrages were committed upon the persons and properties of the King's subjects. Then it says, that on the following day, the Sunday, a great number of rioters assembled themselvers together, in different parts of the city, armed with bars, pickaxes, hammers, and other instruments, and that they attacked a certain common gaol or prison, called the Bridewell, and burned and destroyed that gaol: That they afterwards attacked another prison, called a Gaol, and set the prisoners at liberty, and partially destroyed it: That they then went to the Bishop's Palace, and made another riot, and burnt and demolished it: That they afterwards attacked and broke open, and burnt a great many dwelling-houses of his Majesty's subjects, in Queen-square : And that the defendant, then and there, in the city of Bristol, being a Justice of the Peace, not regarding the duties of his office, but neglecting the

same, did not suppress, or put an end to, or use due means and exertions to suppress such riot, and the said burning and demolishing, and destroying the gaols and messuages, and the violence and the breaches of the peace before stated, as he could, and might, and ought to have done, or endeavour to execute the powers and authorities by the laws of this realm vested in him; but that, during all that time, he neglected his duty in that behalf; and that he omitted to provide and organize sufficient force for suppressing the same, but that he wholly refused and neglected so to do, or to give such orders and directions as were necessary for restoring peace and tranquillity in the city, and as he was of duty bound to do; and that he did withdraw and conceal himself, not only from the persons so unlawfully and riotously assembled, but also from all such of his Majesty's loyal and peaceable subjects, then and there being in the said city and county, as stood in need of his orders and assistance; and that he wilfully and unlawfully neglected and omitted to execute, or endeavour to execute, any of those powers or authorities that the law vested in him as such Justice of the Peace; and that he wilfully and unlawfully permitted and suffered the persons, so unlawfully and riotously assembled, to be and continue so assembled, in the commission of the aforesaid violences, burnings, and destructions of property, for a long space of time.

"That is the first count of the information; and then there are other counts, which only charge it more in detail.

"Now, gentlemen, before I advert to the particular circumstances that occurred, as they are proved in evidence in this case, I will remark, that a person, whether a Magistrate or a peace officer, where he is entrusted with the duty of suppressing a riot, is put into a very difficult situation to know how to act. On the one hand, if he exceeds his power, and occasions death, or the destruction of property, or other violence or injury, he is liable to be proceeded against by indictment for murder or manslaughter, or as the case may happen to be. On the other hand, if he neglect his duty, and does not do enough, he is liable to he proceeded against, as charged in this information, for a criminal neglect of duty.

"You will take into consideration the circumstances in

which a man is placed—he is bound to hit the exact line between an excess—and doing what is sufficient,—there is only one precise line, and how difficult it is in cases of riots of this kind, to hit that line,—that will be to be taken into account in considering this case. Still, however, in point of law he is bound to do it; and though you will give a very lenient consideration to it, it is for you to consider whether he has hit that precise line or not. If you are of opinion he has not come up to the point you think he ought to have done, then he is guilty. But the situation in which a man is thus placed is only what the state of society renders unavoidable;—whether a man voluntarily seeks a public situation, as is usually the case with persons, who fill Corporate offices and other places, or where a breach of duty, or excess be committed by peace officers, who very often do not seek the situation, but it is cast upon them—the law requires that whether a man seeks an office or is compelled to accept it, he should do his best. In the present state of society, if it were not so, there would be an end to all security—unless persons were bound in the situations they filled to act according to law, and therefore, it is only what the law casts upon them; but in a case of difficulty the law takes that into consideration. It will accordingly be kept in mind, that you ought to see clearly that he was guilty of a criminal neglect before he is found guilty; and I will here remark that, howeves honorable and honest the intentions of a man may be, he is still liable to be found guilty—the mere intention and desire to do what is right, cannot protect him. A man may, out of a sense of humanity, consider a particular thing better done at another time—he may abstain from doing his duty with rigour—he may, with the best intentions, not act to the full extent of his duty, and that would be taken into consideration in the punishment inflicted upon him, but it is no justification of the offence. A man is bound by law to do his duty, and you are to consider whether he has done his duty or not.

"Now, gentlemen, inasmuch as a public officer, to whom is entrusted the discharge of a public duty, is bound to discharge it according to law, the question for the consideration of the Jury is, whether the person so charged has done all that he knew was in his power? The question is—whether the defendant

has done all that he knew was in his power to suppress the riots, and that could be reasonably expected from a man of honest purpose, and ordinary prudence and activity, under the circumstances he was placed in? That, in my opinion, is the point, gentlemen, for your consideration:—Has the defendant done all that he knew was in his power to suppress the riots, that could be reasonably expected from a man of honesty, and ordinary prudence and activity, under the circumstances in which he was placed?

"I have mentioned the word honesty;—what I mentioned to you before about honesty will shew you that it is not sufficient to exculpate a man, but it will form an ingredient in considering the question whether a person is to be found guilty or not?

"Now, whether that happens to be the case under consideration or not, the point now, as applicable to this particular case, seems to be this:—Did he use those means that the law requires to assemble a sufficient force to suppress the riot, and prevent the mischief? That is one of the points, and the most material in my mind. Another point will be—Did he make all the use that, as an honest man, he ought to have done, of the means in his power to suppress the riots, and prevent the mischief? Therefore the points are—Did he use those means that the law requires to assemble a sufficient force to prevent the mischief?—and did he make such a use of that force to prevent the mischief, that an honest man ought to have done, by his own personal exertion? These are the peculiar points arising out of the general point, and these two appear to me to be the points you will have to consider.

"Before I state to you any of the circumstances of the case, I shall remark that, according to the testimony of Mr. Serjeant Ludlow, a member of the law, and a gentleman of long standing in the profession, and Town-Clerk of Bristol for twenty years, it appears that the defendant acted under his advice; and it appears, from a great deal of the other evidence, that Mr. Serjeant Ludlow was present upon a variety of occasions, and that the defendant, Mr. Pinney, had the best legal advice that could be expected to be given; and, according to the testimony of Major Mackworth, an officer in the army of considerable rank and

standing, and certainly a man of great spirit, he says, 'The Mayor acted properly, and was ready to do as he suggested:' and, if a public officer, neither a military man nor a lawyer, acts according to the advice of those best able to give it, that will be for the consideration of the Jury; upon the whole case, if the lawyer tells him, upon legal points, what he ought to do, and the military man tells him, upon military points, what he ought to do, and he acted accordingly, it will be a point for the consideration of the Jury: but, most clearly, if he errs in point of law, he cannot shelter himself under their advice; and so, also, as to any thing that does not fall within the scope of their advice; because, whatever experience the man may have who gives the advice, whether as a lawyer or a military man, or a magistrate of great experience, if it is not according to law, a man cannot shelter himself under that advice; but it would be most important for you to consider whether he followed the advice of those best able to give it. A man of great experience may be presumed to say that which is according to law, and according to the exercise of a sound discretion; and it must be observed, that when they give that advice, it is not advice put down by way of opinion upon a written statement, as to what a man ought to do under the circumstances, but upon the spur of the occasion, having no opportunity of seeing all the facts, or of saying, I think you have done right upon all those occasions; but Major Mackworth says, at the same time, he was perfectly ready to attend his suggestions: it is for the Jury to consider whether the advice they gave him was not the correct and legal advice. Still, however, if the Jury should be of opinion that the advice they gave was not correct and legal, the man cannot shelter himself under the advice he so receives.

"Another remark I wish to make is this—that in determining upon the guilt or innocence of the defendant, as to that part of the charge that applies to his not providing a sufficient force to suppress the riots—you are not to take into consideration the whole of the events that subsequently occurred; both as to the great calamities and the insufficient aid of the military, you are not to take into consideration those events that subsequently occurred.

"If it could have been foreseen what did occur—that the

military would arrive, but would not act as they were expected to do, or that a total demolition of property would take place—it is possible, by over-exertions, and going beyond what a man was bound to do, and by the inhabitants of the town coming forward—if all these misfortunes had been foreseen, a greater force might have been collected; but, gentlemen, you are not to take that into consideration,—you are to consider the guilt of the defendant according to the circumstances that occurred at the time,—you are not to consider probabilities, because an immense force might have been provided, and no riot have occurred, and a person would have been laughed at for exerting himself in that way;—you are to judge from what passed at the time,—and you are to consider the probable consequences of a mob against whom an insufficient force was provided, and what they might do, in case an insufficient force was provided, and whether it was likely to lead to the calamities that occurred,—because you are to consider Mr. Pinney in the circumstances in which he was placed at the time, without taking into consideration those that occurred afterwards.

"Many of you, gentlemen, are, very likely, magistrates in the county, and such of you who are not, have an opportunity of seeing what the magistrates of the county are called upon to do;—put yourselves into Mr. Pinney's situation at the time, and put out of consideration, the great calamities that afterwards occurred.

"Now, gentlemen, there are various acts charged in this information;—as neglect of duty, it is a general one—for not using his best endeavours to provide a sufficient force—for not properly using the force he had—not protecting the Bridewell, the City Gaol, the Bishop's Palace, and the houses afterwards destroyed.

"If any portion of you should be of opinion that the neglect of duty is proved, as to any one of these facts, and others should be of opinion it is not proved, but that it is proved upon some other point; for instance—supposing any four of you should be of opinion that neglect of duty is proved upon one point, and the other eight should be of opinion it is not proved—and then that eight, upon another charge, are of opinion a new charge is proved, and the other four, who thought the old charge proved, think the new charge is not proved—so that the

whole twelve may think that the neglect of duty is proved—four being of opinion there was neglect of duty upon one occasion, and eight at another time,—yet, still, that is not sufficient to convict the defendant,—the whole twelve must be of opinion that the neglect of duty is proved upon some one point.

"Now then, gentlemen, in proceeding more particularly to consider the circumstances attending this case; the first ground of complaint in order of time, is the conduct of the Mayor as to what occurred on Saturday, the 29th of October, and the charge is, that he did not supply a sufficient Civil Force—that he did not apply it properly—that he did not head the constables, but went up stairs.

"Now gentlemen, with regard to that, it appears upon the evidence, that a consultation was held some days before as to the number of persons to be employed, and it was thought three hundred was a sufficient number; that number of special constables could not be procured, but others were hired to make up the number; therefore, you see, upon consultation it was thought that three hundred would be sufficient to protect Sir Charles Wetherell when coming into the town to the Mansion-house, which was all that was expected to be done upon that day; and one should suppose, although it was known that a great deal of excitement was existing, that three hundred special constables would be quite sufficient for that service. These constables were employed in the usual way—they had conflicts with the mob occasionally, as is usually the case. Now, gentlemen, then with regard to that, the constables were headed by the chief constables of each ward; and you will have to consider whether there is any fault in the Mayor in that respect. It is said, that the Mayor did not go out to head them; it appears he did go out, and harangued the people, and the missiles were thrown at him, which, instead of hitting him hit another person, and it was considered that his life was in danger Then what did he do?—He ordered the Civil Force to clear the mob away, and that the military should be sent for, and that when the military came, the gas lights being put out, he went to point out to the military where they were to go. I have only given you a part of what the Mayor did; he was upon the spot; and it appears to me, that the Mayor upon such occasions in point of law, is not bound to go and head the consta-

bles; that is trusted generally to the head or chief constable, who is a man generally adapted to it, and the Mayor's exertion would not be equal to the exertions of the head constables. Its is for you to consider whether the chief constable would not be more likely to be useful. The Mayor read the Riot Act and harangued the mob, and you see how he was compelled to retreat, and one hardly sees how that can be considered a neglect of duty. If his presence had been required upon any particular occasion, it was only stepping into the Mansion-house where he was at the time this riot took place: it is very true he went up another pair of stairs—(that appears to have been because the windows of the lower room were broken, and stones were thrown in)—to a higher room, where the stones were not thrown in, and he had a better opportunity of seeing what was going on, than below. It is for you to consider; but it appears to me, there is nothing there that can be attributed as neglect of duty to the Mayor.

"Now, gentlemen, it is said, that he did not organize the special constables. With regard to the word "organize," that is a new term, both in the law and in the English language, although often used; and I do not know that I ever found it put into an indictment, or information, or declaration,—at least I never saw it before; but that is, perhaps, disputing about terms: however, that is the complaint;—that he did not arrange' would, perhaps, be a more legal term. I do not know that it is the duty of a Mayor to arrange the special constables—that is the duty of a man who has had experience in matters of that kind;—if he has not had considerable experience, I do not know how he is to set about it; the chief constables are to take care of that; the chief constable is the man to arrange the special constables, and not to call upon the Mayor to do it; but, however, it was not done, and there was great confusion. Major Mackworth happened, fortunately, to be there, and he did organize them; being a military man, and accustomed to marshal soldiers, they acted under his directions very differently from what they would have done under the Mayor of the city, who perhaps never saw those things done. Major Mackworth says, he saw the constables were in confusion, and that his attention was drawn to it. You see Major Mackworth, upon that occasion, acquits the Mayor of any blame—that he used all the

means in his power—that he saw no blame in him—and he considers him entirely free of any blame; but, however, there is a general answer to be given to all this, and that is—that this mob was cleared away, and that every thing was quiet by twelve or one in the morning, so that the persons thought they might go home; and I may add also, that when some questions arose about ordering the troops to fire upon the people, that Colonel Brereton said they ought not to fire, and that he would take the whole responsibility of the peace of the city upon himself for that night; and as to whether the Mayor ought to have stepped six feet to the right or to the left, or to have stood still, it is perfectly impossible to consider in this sort of proceeding. The great answer to the whole of that is, that the city was quite quiet.

"Now, gentlemen, it appears also from the testimony of Mr. Hare, the Under-sheriff of Bristol, that the mob, on Saturday was only the same kind of mob that they have on elections—it was merely such a mob as they very often have.

"Gentlemen, you see the Mayor on this information is charged with want of energy,—and see what does he do: they desire him to be energetic; he gave directions that the troops should fire, if necessary; and if he was about to give orders to that effect when he was dissuaded by Colonel Brereton, the commanding officer upon that occasion, who took the responsibility upon himself,—he was dissuaded by Major Mackworth against it; and if he had ordered the troops to fire, and exhibited that energy, and any person had been killed, and he had been indicted for murder, it might have been somewhat difficult; I do not say he would not have made out a case; but if he had acted contrary to the directions of two military officers, and ordered the troops to fire, I think he would have found some difficulty in answering it,—at least a prima facie case would be made against him. I mention this, to shew the difficulty of the situation in which a man is placed; if he goes and does too much, he is liable to have one species of prosecution against him,—and if he does too little, he is liable to another.

"Then, gentlemen, coupled with this, it is matter of complaint, that the Mayor did not keep a sufficient force of constables in the Mansion-house, during the night,—that is a matter of complaint against the Mayor: the answer to that is—that

the riot was over—it was not necessary. If the riot was over, and the streets are clear, why are you to keep special constables in the Mansion-house? Besides, it was actually impracticable; the special constables had gone away as soon as they had landed the Mayor and Sir Charles Wetherell at the Mansion-house; some of them did stop; but instead of three hundred, which were collected at the Mansion-house, there were only one hundred; two hundred had gone away; and when they were organized by Major Mackworth, did they keep together? No, they did not,—they went away,—the greater part had gone home; and from the disposition they had shewn to go away as fast as they could, I do not apprehend it would have been in his power to keep them together; but the answer is, it was not necessary,—and if it had been necessary, the small number that remained would have been of no use: and another thing to remark is this—that Sir Charles Wetherell, at this time, had gone out of the city, and as he was the great exciting cause of the riot,—for if he had not come into the city, the riot would not have taken place,—and as a public notice had been given, that he was gone away,—as the cause had vanished,—it might naturally be supposed that no further riot would take place, and for that reason it might not be thought necessary to keep a force in the Mansion-house.

"Then the next charge, and which is the most important, is, that he did not use those means which the law requires to assemble a sufficient force on Sunday morning, to suppress the riots, and prevent the mischief that took place,—and that is the most material charge in my mind for you to consider upon this occasion. Upon this, I would first refer to the Statute of the 1st George the 4th, chapter 37, the 1st and 2d of William the 4th, chapter 41, which authorise the Magistrates to call out special constables. It was deemed expedient, that provision should be made to authorise the Magistrates to call out special constables, and to compel them to attend. Now, the information does not contain any charge against Mr. Pinney for not doing so; if it had, the particular requisites of these Acts must have been complied with. Gentlemen, he is not charged with that,—that that has not been done,—neither is any evidence given on the part of the Crown, to shew that such steps had been taken; it does not appear that any person went before the Mayor, and required

him to call out the special constables; but it has been a matter of consideration with the Court, although the Mayor was not called upon, whether he was not bound to call out a sufficient force, notwithstanding the provisions of the Act were not complied with;—upon that the majority of the Court have decided,—and it is the law I lay down to you, that no question can arise as to his not taking any steps to call out the special constables; and you may throw those Acts quite out of your view in this case, as much as if they had never passed at all,—they have nothing to do with this charge in the information, nor with the evidence adduced,—therefore, they are to be treated by you in the same manner as if the Acts had never been made, or, if made, had expired. The question upon this occasion will be, whether Mr. Pinney has done what the general rules of the common law require of him in this respect.

"Now, gentlemen, Justices of the Peace are to keep the public peace, and with regard to rioters, they are to restrain and pursue, arrest, and take them,—that is the general duty of a Justice of the Peace, arising from the nature of his employment as a Justice.

"Gentlemen, to enable Justices to do that, they have authority to call upon the King's subjects to aid them in cases of riots—and the King's subjects are bound to be assistant to them in that respect, when reasonably warned;—that I lay down to you as the general duty of Justices as to riots; they are to keep the peace and to pursue and arrest rioters; and to enable them to do that, he is empowered to call upon the King's subjects to aid him in suppressing riots when they shall be reasonably required. Therefore, in the case of riot, the common law obligation cast upon a Justice is to call upon the King's subjects to assist him in suppressing the riot. Gentlemen, that is the common law obligation thrown upon Justices of the Peace. You will have to consider whether that has been done upon this occasion;—that is the material thing, in my opinion, for you to consider. Other points will arise in the case, which I will state hereafter; but in my opinion, if he has done that, he has done all that the law required of him.

"Gentlemen, it is in evidence that, when the mob went to the Mansion-house on the Sunday morning, there was no Civil Power to resist them; and that at the meetings that afterwards

took place at the Guildhall and at the Council-house on the Sunday forenoon and afternoon, there was no adequate Civil Force supplied, which one should think there might have been in so large a place as Bristol;—then it is said, that the Mayor and Magistrates had no plan to propose to the people, and that no Magistrates were there to receive the people who did attend; and that afterwards, at the subsequent demolition and burning of the Bridewell and the Gaol, the Toll-house and the Dock gates, the Bishop's Palace and the Mansion-house, the Custom-house, the Excise Office and Queen-square, there was no adequate Civil Power to suppress the riots. Gentlemen, that fact being in evidence, a prima facie case has been made out sufficient to call upon the defendant for an answer to shew that he has done what the law requires of him;—that prima facie case being made out, that there was no power about the Mansion-house and no adequate Civil Force at thsoe different places, that is sufficient to call upon the defendant to shew what he has done to exculpate himself from that charge.

"Now, gentlemen, the answer given by the Mayor is, that as soon as he left the Mansion-house on Sunday morning, he concerted measures to call out the Civil Power; that he sent to the constables who had been there before; that he directed the constables who had been on duty the day before to be summoned:—that he went and personally called at several houses and asked people to come, and the people he accosted in the street he required to do the same; and that he required other persons to do the same—to go to the houses and to speak to people in the streets. Then you will observe, that this was Sunday, and the body of the people were not scattered about in their private houses or shops; it was natural to expect they would be attending in their places of worship, parish churches, or other places of worship; it therefore appears, that the Mayor had an opportunity of getting the people together in a much less time, if they had been disposed to come forward, than at any other time when dispersed about in their own avocations, and when they might not be so willing to come—they were attending divine worship, and when it was over, they might be inclined to go about, and it was more easy for the Mayor to call the people together upon a short notice. It appears, he sent summonses to the churchwardens and to the

chapels; and the people assembled at those places of worship received those different notices. Besides this, gentlemen, he had bills posted about the town and distributed and put upon the walls. The form of one of the notices is addressed to the churchwardens.—[Here the learned Judge read the notice.]

"Therefore, it was not only a request that they should assemble, but a request that they should form themselves into bodies, and as soon as they were formed come to the Guildhall.

"That is what the common law requires of the Magistrate—he is to call the people together. He does call them, and he does it in a form most likely to be attended to, and he tells them to come, when formed, to the Guildhall: and if they had attended, the occurrences of that day might have been different. You are to consider, whether the Mayor had done all he could. Besides the notices to the churchwardens, notice was given in various places of worship. It appears by the evidence of several persons examined, the Catholic Priest and Dissenting Clergymen, that notices were regularly received and acted upon, and proclaimed to the people assembled there. Then did the Mayor act bona fide earnestly? From the exertions he made, you may say, probably, he was in earnest.

"Then, gentlemen, the Mayor having done this, is this a reasonable warning? and that is what I lay down to you as the law in that respect—that the people are to come together upon reasonable warning; that is the law of the land. Now, was this a reasonable warning? If it was, the Mayor has done all in his power. Was this a reasonable warning and notice to the inhabitants to come to his aid and assistance? If it was, it is all that the law requires in that respect; and if it was a reasonable warning the only question will be, whether he did it as soon as the law requires him to do it, because, although he might give notice, another question is, whether he did it in sufficient time. The riot was over the night before, and all the persons had gone away. Major Mackworth did not deem it necessary to stop, and was the Mayor then in contemplation of a riot on the Sunday, to send the notice sooner? All was quiet, and was it incumbent upon the Mayor to send the notices sooner than he did on the Sunday? He could not be expected to do it during the night, nor till the morning; and as soon as he found there was a mob collected, he summoned the constables who had been

there before, and sent to the places of worship where all the people had been assembled. If he had sent people round with the notices before divine service, it would have been impracticable,—he must have sent thousands of messengers,—one or two thousand men must have been ready to obey his call—he must have sent off messengers to knock at every door in the streets; whereas the sending notices to the churches and chapels was the most expeditious mode of getting the people together that could be devised. It would not do for him to send persons about to leave notices at every house;—written notices must have been delivered at every house; a mere verbal notice, if it had been served, might not have been understood, or they might affect not to understand it, or they might not in fact understand what it was about. He could not have given notice they should form and come to the Guildhall—they would have no opportunity of doing so; they could not form at their houses, but when assembled at the places of divine worship, when that was over they might forward some in a body. You are to consider whether that was not a proper mode for a person in his situation to have acted upon that occasion.

"Now, gentlemen, if the Mayor did all he is required to do, he cannot be liable for a neglect of duty, as far as that goes.

"Gentlemen, on those notices being served, it is in evidence that several persons refused to attend; and it appears at one house a man made a jocular remark, that the Mayor had better send for the firemen. Some of the churchwardens would not attend, and some of the churchwardens came to say that the people would not obey the summons, and from one cause or another the persons are estimated differently; but the result was that there were not more than 150 persons who attended upon that occasion. The population of Bristol, I suppose, is 100,000; of these 100,000 you may take half as males and females, and there might be 20,000 men able to bear arms, who might have attended on this occasion. Certain it was, that with that inadequate body of men the Mayor could not set about suppressing the riots. Besides which, these persons many of them have said they would not act without the military, and the military at that time were most of them gone; others say, that they will not act with them, and others say, you must deliver us fire

arms. I may say upon that, that the Mayor would have been justified, in point of law, in delivering them fire-arms; it would not have been prudent—on the contrary, it would have been the height of imprudence—to distribute arms in that way, without knowing any thing of the people, whether they were accustomed to the use of them or not. Fire-arms should never be introduced, except to persons who know the use of them, and who are subject to control in the use of them: if they are put into the hands of persons indiscriminately, the probability is that they will be used very improperly; many of the constables might be cut off from the rest of the body, and in that way you would be arming the mob to act against the people. Therefore, to furnish fire-arms indiscriminately to persons assembled, without knowing who they are, or how they are to be used, would be acting with the greatest imprudence. Gentlemen, you have it from a half-pay captain, that it is imprudent; it is true, he does not appear to have seen any foreign service; but Major Mackworth also says it is imprudent to entrust fire-arms to young recruits. I have no hesitation in saying, that the Mayor would have been justified in putting fire-arms into their hands, though it would not have been a prudent thing to do it. It is a very different thing to using fire-arms in a building,—there people are in a body, and you can see what they are doing,—but here they are to go into the mob, and use them indiscriminately. I should say, it is not to be approved.

"Then, at the second meeting at the Guildhall, still fewer persons attended than at the first. Gentlemen, if the Mayor did all in his power to collect the people, it was not his fault that they were not collected,—and as to those who did attend, could the Mayor do any thing more?—You hear the sentiments of those who did attend,—some would not go without the military,—the Mayor knew that the military had been sent away, though this was not stated to the people assembled, and certainly very prudently, not as it might have made them more unwilling to attend;—however, that was their opinion—and others would not go if the military were there.

"Now then, gentlemen, under all the circumstances upon these two occasions, certain plans were proposed—and plans might be proposed, but if there were no individuals there, they could not be executed. I should apprehend there could have

been no difficulty in getting a plan, if one thousand or two thousand people attended; but there would have been a difficulty in forming a plan for so small a number of persons,—nothing could be decided upon for them so do.

"Then, as to his not calling out a sufficient force,—some of the witnesses say that a considerable body of gentlemen, about three hundred, assembled at the Commercial Rooms; but if the Mayor had given notice to all the persons as I have stated, he was not bound to give notice at the Commercial Rooms; reasonable notice had been given before; he might suppose that those persons had attended places of worship,—and we have no distinct evidence that those persons would have gone; but they had probably been at places of worship,—and if they had been inclined to assemble, they would have gone to the Guildhall of their own accord.

"Gentlemen, there was also a general indisposition in the people, which appears from the evidence on the part of the prosecution, and also much more from that on the part of the defendant,—there was a considerable apathy in the town, both on the part of the people and the Magistrates too; but there was great indisposition to act, to suppress the riot, and how do we know what would have become of them?—you have no reason to suppose that they would act differently from those who assembled at the Guildhall: the Mayor issued proper warning, and I did not know that he was bound to go to them; it is for you to consider, whether those persons did not know that they were to assemble at the Guildhall.

"Then, gentlemen, another thing said is, that the Mayor ought to have called out the Chelsea pensioners, of whom there was a considerable number. Major Mackworth says two days before he advised him to call them out, and it appears that upon some former occasion they had been called out. With regard to that, I apprehend that the Mayor was not bound to call upon the Chelsea pensioners any more than the King's subjects in general. It is for you to consider whether the Mayor neglected what the law required of him, and not whether, in going beyond the line of his duty, he might not have done something else.—He is charged with not calling upon the King's subjects in the way the law requires—and he was not bound to call upon the Chelsea pensioners any more than any

other of the King's subjects—he was not bound to send round to the Chelsea pensioners; but the answer he gave was, that there would not be time for it. I think it appears upon the evidence, that upon some former occasion they had been used, but that a good deal of time would be requisite for that purpose. The question is, whether the Mayor did use his endeavours to get an adequate force on the Sunday. The Chelsea pensioners were not contemplated then, but they were suggested to be called out on the Saturday morning. If the Mayor supposed he had a sufficient force, of three hundred men, perhaps, he was not bound to suppose there would be any occasion for a greater body. He says, there is no reason to contemplate any riot beyond the Saturday—and the calling in this force, could only apply to the Saturday, and they were recommended for that occasion. It appears on the Sunday, at the Guildhall, several pensioners did attend—they had been induced to go, but there was not a sufficient force to afford any assistance. It appears about as many as twenty came; but twenty was not a sufficient force—and the question is, whether the Mayor did make all the use he could of the force in his power?

"Now, gentlemen, it certainly appears, with regard to making use of all the force that came, and making the best use of it,—it appears from all the evidence in the case, that there was no disposition to assist the Mayor. In one respect, there was a feeling arising out of the act of Sir Charles Wetherell coming into the town, and that was one cause of the indisposition: another cause appears to have been a dislike to the Corporation; and then, besides this indisposition to serve the Mayor, even those who did come, many of them left the place; because you find on the Saturday night several of the special constables went away, and also one of the parties that went to the Palace. It appears that the regular special constables were not there—and you will have to consider whether there was not an indisposition on the part of those who did actually serve, not only among those who assembled at the Guildhall, but those who did actually serve, to stick by what they had undertaken to do. You find that the special constables went away on the Saturday night, and also on going to the Bishop's Palace.

"Then, I may advert to the calling out the special constables on the Monday morning. It appears that many of those

who then acted as special constables, were persons who had been rioting the day before; therefore, that shews what the disposition of the people was, and how far you could have relied upon them if they had been there at the time;—and it is in evidence, certainly, that many of those special constables were armed with weapons, half-swords, and half-knives, and they were seen acting with the rioters. You have, therefore, to consider how far there was a general disposition on the part of the people to act with the Mayor in suppressing the riots.

"Gentlemen, it appears also that two hundred persons were offered by Mr. Edgeworth, the Catholic Priest; some remark was made whether they were likely to get drunk, or be steady; the answer to that is, that that was not until the Monday morning—and you are to consider what was done on the Sunday.—Those two hundred men were not offered till the Monday morning. Now, gentlemen, on the Monday a much greater civil force was organized. I think it appears that the Sheriff had returned between two thousand seven hundred and two thousand eight hundred men—and on the Monday you will see what a different state of things had taken place. The military had arrived, and not only the military then in the town, but an additional military force from Gloucester. On the Monday, also, the inhabitants were impressed with different feelings, because many private houses had been burnt on the Sunday night; and on Monday morning it would naturally suggest itself to the inhabitants at large that, unless they were stopped, there would be an end to all kind of peace in the city, and the mob would have the town in their power—and that nobody possessing property would be safe. Besides which, on the Monday morning, several of the Political Union came forward, who, it appears by the evidence, had a considerable number of men; one of the witnesses said there were three or four thousand assembled, which was added to the civil force—and from all those causes there was a sufficient force to put down the riots, and disperse the mob.

"Now, gentlemen, you observe also, that on the Saturday night, mention was made of calling out the posse comitatus. Mr. Serjeant Ludlow mentioned it, but not to the Mayor; therefore, the Mayor was not liable for that. However, gentlemen, it was not acted upon that night—it was acted upon on

Sunday night, and every exertion was made—precepts were issued, and summonses were sent, but the mere arrangement of issuing those precepts took four or five hours; and, therefore, the posse comitatus could not be called out in a moment. Besides which, gentlemen, though the posse comitatus may be called out by a Justice, it is generally done by the Sheriff, but it may be done by the Justice. The Under-Sheriff says that no such thing ever took place in Bristol to his knowledge—and he never knew of it anywhere else—therefore, it would be too much to impute a neglect of duty to the Mayor in that respect, because he did not call out the posse comitatus, which could not be done without great delay; besides which, the calling out of the posse comitatus is only giving notice. All the King's subjects are bound to attend the notice of the Magistrate, as well as they are bound to attend upon the posse comitatus; therefore this warning given by the Mayor, was doing the same thing as raising the posse comitatus, only you do not go through the formality of the precept being made out. What he did, was the same thing as raising the posse comitatus, by the delivering of public notices at the places of worship on Sunday morning.

"Now, gentlemen, these appear to be the general causes of complaint: first, that of his not organizing together a sufficient force; and next, not making use of the forces that did attend. Then, gentlemen, it is also further alleged against him, that he did not keep a sufficient military force, and a sufficient civil force, of resolute people, to act together as occasion might require. I do not know that that is any part of the duty of a Justice; they are to suppress riots; but as to keeping a sufficient force to act as occasion might require, it is no part of his duty,—that is an important part of the duty of a military man; but it is not the duty of a Justice of the Peace. Is it usual to have riots going on at different places at the same time?—Can a man be reasonably expected to know what ought to be done upon every occasion which might arise?—Besides which, it it appears that he had not a sufficient force to keep, so that he could not spare any; and when a man is called upon to act with a corps of reserve, it seems to imply that he has a sufficient force to allow of a corps of reserve to be taken out. These are matters for your consideration.

"Then, gentlemen, we come to the specific charge, that he did not protect the Bridewell. The general answer is, that he had no adequate force for it; he had no military,—for the 14th dragoons had been sent out of the town, although, according to the evidence of Mr. Fisher, there was no occasion to send them out on the ground of being tired, because the men and horses were in a state to do their duty. The other reason is, that the mob were too powerful for them. As to the mob being the occasion of sending the troops away, I do not know what to say to it; but whether efficient, or not efficient, they were sent away. It is said by Colonel Brereton, as to the other soldiers, that they were tired, so that they were not allowed to act; consequently, this military force, sent for the protection of the town, are withdrawn, and the place was left without any protection. Part were actually sent away, and the others not employed;—there was no military force whatever. And with regard to the other men, you are to consider whether he had a sufficient force, and whether the Bridewell could be defended. You are to say whether it could be defended. You have had it stated, that both as to the Bridewell and the Gaol, a few resolute men might have defended it. However, upon these occasions, you are to consider whether, it is not merely the few doing the act, but whether they will be assisted by other persons all around them;—the question is, whether they would have joined the people, if a resolute attack had been made upon them? Where had the Mayor any resolute men to make that attack, if twenty or thirty resolute men could have quelled the mob in those places? But this number of resolute men were not such men as attended the Mayor; certainly, upon this occasion, the persons who attended as special constables went away the night before;—where should he find those resolute men?—and unless they were persons used to this kind of conflict, they would be of no use;—resolute men of this kind are not so easy to be found,—resolute men—men such as would overpower a a greater number than their own body;—if it is only ten opposed to ten, or twenty opposed to twenty, nothing is gained. These resolute men are to go and risk their lives, and you are to consider first, whether these resolute men spoken of would have been sufficient to protect the places attacked; and if so, whether the Mayor had any of those whom he could have got to go there.

Then, as to not protecting the Gaol, there is the same answer. Gentlemen, with regard to the attack upon the Bridewell, that was made when the Mayor was gone to the White Lion, to repose. It does not appear he had any notice of the attack, and that consequently, whatever might be the case as to any other Magistrate who might be called upon to send a sufficient force there, it is no default of the Mayor in not sending a sufficient force to protect it. With regard to the Mayor going to the White Lion, I may observe here, I should have noticed it afterwards, that he was advised to go there. It appears that the Mayor had been up all night; he had not gone to bed on the Saturday night, and he had had no food—he was seen to eat none by the persons with him, who would have seen it if he had taken any; he was advised by several of the Magistrates to go to the White Lion, which is in the same street with the Guildhall, and therefore, when he was there he was within call; his going there was only like going to another room in the house to take some repose; and he was found, when sent for, ready to come immediately;—he was shaving himself, and the room did not appear as if the bed had been lain on. It is for you to consider, whether the Mayor was not justified in taking a little repose, even if he had taken more than he did. He had been up all night, and was there an hour or an hour and a half; and there was a sufficient number of Magistrates at the Guildhall to give any orders to the military or any civil power. It is for you to consider, whether there is any harm in a man going there to take a little repose when it was only at a very short distance from the Guildhall, when he was within call, and when he was called he came almost immediately.

"Now, gentlemen, as to not protecting the Gaol, the same answer is given, and you have to take into consideration, whether the same answer justifies the Mayor, that he had no adequate force of resolute men to send. It appears that two of the Magistrates did go out with some persons, but their force was not adequate—they could do nothing, and they came back again.

"Then, as to the Toll-house and Dock-gates, you will have to consider whether the same answer applies there. It has been said, as to the Gaol, that the communication between the Gaol and the rest of the city might have been cut off. I do

not know whether it might or might not, but that would have been the act of a military man in destroying a bridge to cut off the communication;—you could not have expected it from a civil officer who might never have heard of cutting off a communication in that way in his life. It is what a military officer should have done, and not a civil officer; but is it to be expected that the Mayor should destroy the drawbridge or draw it up?—it is cutting off the communication with the rest of the town, and if that was cut off, the mob could have had no resistance from that part of the town, and you would have to consider whether that was a prudent thing;—it might have been a prudent thing in the opinion of a military man, but the question is, whether it is a thing naturally to occur to a man in a civil situation, a Justice of the Peace, it being a thing relating to military tactics. Lawford's Gate is out of the jurisdiction of the city, and is not to be taken into consideration against the Mayor.

"Gentlemen, the next charge is for not going and protecting the Bishop's Palace. It appears that the Palace was attacked by the mob, and that some of the 3rd dragoons were about it at the time to protect it, and that some of the mob were taken, as it is said, into custody. Alderman Camplin went with several more to render his assistance, but before he got there, there was a party of three or four, who had got into the Bishop's Palace, where they had secured some of the prisoners, and put out the fire which had been lighted. Besides Alderman Camplin, it appears that the Mayor also with a party went there; Mr. Alderman Camplin appears to have gone first. This is a charge against the Mayor, and some of the witnesses say that they heard the Mayor propose to go, and attempt to go, and actually turned back; so far that act is a charge of personal cowardice, that he offered to go, and did not go, but slunk back. Those gentlemen could not have seen the whole of the transaction; they might see him attempt to go, and go back, but it is upon the evidence of Mr. Serjeant Ludlow, that he did go back, but that he was not away above a minute, and that he then repaired to the Palace, though he did not quite get to the spot; there was no want of personal

courage, because he did go with a Law Officer of the Corporation, and a great many other persons, to the spot. Then, Gentlemen, when they got there, the mob were drawn off, the soldiers had surrounded them, and the Mayor was desired to go to the Recruiting-office, where he might see that they had surrounded them. All at once the soldiers retired, for what reason we do not know, and we have no account of it; but when these prisoners were secured, the soldiers left, and the mob came in very great bodies; and in fact while the soldiers were there, you have it in evidence what the conduct of the soldiers was, that they prevented the Bishop's Servants securing the plunderers and the property, and that they protected the mob to a certain degree,—if not co-operating with them, at least doing that which amounted to a protection to them. You see what the conduct of the soldiers was; they not only withdrew, but you have heard described what their conduct was to the persons assisting in the protection of the Palace. Then the soldiers were withdrawn, and it appears that the mob came up in very great force,—that they soon afterwards demolished the Palace,—that they set fire to it, the fire having been before extinguished, and the Palace was destroyed. The small force that had gone with Mr. Alderman Camplin, and the Mayor, were perfectly inadequate to protect the Palace; many of the party deserted them, and went away, and it is for you to say, whether you can impute any misconduct to the Mayor in that respect, in not protecting the Palace.

"Now then, gentlemen, another charge against the Mayor is, that he, knowing that the Dodington troop of horse were expected, and having notice of it, a messenger having been sent to Captain Codrington; for that the Mayor was in such a situation he could not receive them. Now, gentlemen, upon the arrival of Captain Codrington's troop, it was to be expected to be placed in quarters, and a place was found accordingly—Fisher's Repository: he said he could not find a stall for each horse, but that they must stand double, as had been the case before with the 14th dragoons. Every exertion was made to receive them, and Mr. Fisher had expected them,—certain billets were to be procured,—it was ascertained where the Mayor

was, that he was at Mr. Fripp's house,—and that did not occasion the loss of any time,—blank billets were made out ready to be distributed, and the Mayor was ready to receive them. Unfortunately, Captain Codrington's troop were not made an efficient force;—what it was owing to we do not know,—whether it was the fault of Colonel Brereton, in not seeing them safely lodged, we do not know; it appears he went up, and had some communication with Mr. Fisher, and he knew they were to be lodged there,—whether he ought to have stayed to see them admitted, I do not know,—however, in point of fact, he did leave them without any directions; but that was not the fault of the Mayor, whose conduct you are now to enquire into. It appears that Captain Codrington, upon going up there, was told they had no accommodation for a horse, much less for a troop,—and that Captain Codrington, finding there was no accommodation, went away. I should doubt whether that person, whoever he was, was stationed to give that information to Captain Codrington; probably he was some person who wished the troop not to act,—however, it was most extraordinary, for the stable was in a state of preparation to receive the military, and it is inconsistent that a person should be stationed there to tell them they could not be received; he must have spoken without any knowledge upon the subject, or from not wishing to have them there; but it so happened, that Captain Codrington left the city, and he returned four miles out of the town, and no efficient assistance could be had from him;—was that the fault of the Mayor?—that is the point you are enquiring into.

"Then, gentlemen, another charge upon the Mayor is, that upon being required to ride along with Major Beckwith, he did not do so. Gentlemen, in my opinion, he was not bound to do so in point of law. I do not apprehend that a Justice of the peace is bound to ride along and charge with the military: I think he was not bound to do so; a military officer may act without authority of the Magistrate, if he chooses to take the responsibility; but though that is the strict law, there are few military men who will take upon themselves to act without a Magistrate, except on the most pressing occasion, where it is

likely to be attended with a great deal of destruction of life;—a man, generally speaking, does not like to do it without the authority of a Magistrate, though the authority need not be given by his presence. The Mayor did give his authority to act,—the order has been given in evidence,—he requested Col. Brereton to do what was necessary to preserve the peace. I should say, in point of law, a Magistrate is not bound to ride with the soldiers, and more particularly upon this occasion, where the presence of the Mayor might be required to give general directions. If he made one charge, he must make as many other charges as the solders make. It is not in evidence that the Mayor was able to ride: there is a surmise that he had been seen on horseback; but he was not a gentleman in the habit of riding. I am not certain whether some one person did not see him on horseback, but it is not only necessary to ride, if you make a charge, but you must ride as soldiers do; if you do not ride in a military manner, the probability is you would soon be unhorsed, and do more harm than good; and more than that, if a man was to appear in a plain dress, heading the military, if the mob were disposed to resist, the mob would select him out to destroy him; and I do not apprehend it is any part of the duty of a person who gives general directions, to expose himself to all kinds of personal danger. It is the case with generals in the army; they do not consider it necessary to expose themselves to personal danger; if his troops are defeated, a general officer may think it necessary for him to lead them on; he may go and lead them, as being the first man, but in the general conduct of military manœuvres, it is not the practice for a general officer to expose himself in the front of the charge. I can see no reason why a Magistrate should do it. I can conceive of a case where it might be prudent for a Magistrate to do it—where there was any likelihood of the military not succeeding for want of a Magistrate; but upon this occasion it was not necessary,—the mob was pretty well subdued,—they had been subdued by the charge of the 3rd dragoon guards, and in five or six hours afterwards by the 14th light dragoons, who had been sent for, when Major Mackworth charged with them, Colonel Brereton refusing to do so,—

therefore there were two charges before Major Beckwith came in,—the mob was almost defeated, and it was only necessary for the final completion, that the streets should be cleared. It was not necessary, therefore, for a Magistrate to charge with them.

"Then, gentlemen, the next ground of charge is, that he did not attend to the fire-arms in the town. The evidence given is, that fire-arms were mentioned, but it would rather appear from the answer of the Magistrates, that attention had not been paid to the preparing of fire-arms. Alderman Daniel is supposed to have said, that the best thing to be done with the fire arms would be to throw them into the float. But the question is whether it was a prudent concealment for the Magistrates not to say what had been done with them. On the Sunday morning, you find that applications had been made to the gunsmiths to collect arms: the Magistrates had done that: they had not neglected it, and it was not prudent that the public should know what the Magistrates had done with the arms;—an attack might have been made upon them, and it was very right and proper what they did; they had done all that they could to secure a good many; what they did with the rest is not in evidence. Besides, I am not aware that it is the duty of a Magistrate, or that he would be liable to a criminal information, if he did not go to the gunsmiths—all he can do is, as I said before, to give that reasonable warning to the people to come forward, and as I told you before, he was not bound to put fire-arms into their hands; if he had them, and could not use them, he could only keep them from the hands of the mob: but whatever is the duty of a Magistrate in that way, the neglect to do it will not amount to a criminal neglect—a prudent man might do it, but you are not to consider that; you are to consider whether there has been an infraction of the law upon this occasion.

"Then, gentlemen, another thing is, his neglect in not keeping a disposable force; as I mentioned to you before he had not a sufficient number to allow of his keeping a disposable force; and though it may be the duty of a military officer, it is not that of a Magistrate, and unless you find he is guilty of wilful default, which he is not here, you cannot find him guilty upon this charge.

"Then, gentlemen, the next thing for your consideration, is that of the personal conduct of the Mayor. I have before disposed of his going up-stairs on the Saturday evening: he went up because the stones were throwing in, and they were obliged to barricade the lower windows with beds, and he had a better opportunity of seeing up-stairs what the mob were doing.

"Then, gentlemen, the next thing is, he left the Mansion-house on the Sunday. Gentlemen, with regard to that, it is proved he did leave it on the Sunday, but you have it given in the testimony of Major Mackworth, that his life was in danger upon that occasion. The Mayor said, I am unwilling to do it; the Mayor seems to have had that kind of feeling in not leaving the Mansion-house, that the captain of a ship has when his ship has been wrecked; he is the last man to leave the ship. On this occasion, the Mayor said, 'I am unwilling to do it.' Major Mackworth said, 'as a military man, I tell you it is your duty to do it—you ought to do it;' and being told by him what he would have done, he very properly did it, and by that time the mob had collected in such force, that he was obliged to get out at the back: the particular details have been proved how he got out. The witnesses for the prosecution endeavor to give a ludicrious account of it—that he was seen in the larder, and that the women helped him up; that is contradicted on the other side: Major Mackworth was with him, and helped him up, and he says there was no woman there. That is another thing which would be material, if it was a balance of testimony, whether you believe the account given by the witnesses for the prosecution, or for the defendant: but the thing is wholly immaterial, there is some ridicule attempted to be cast upon him, by saying that he was in the larder, and water closet. The Mayor was to get away in the best way he could; suppose he escaped by those means, there was nothing in that. I do not think you have at all to consider the balance of testimony; he was bound to get away in the best way he could.

"The next charge is, his going to the White Lion. I have remarked upon that, that he went only to a place in the same street, where he was within call—and being called, he came immediately afterwards. That forms the part as to the White Lion.

"Then there is another thing—that there appeared to be a concealment, a want of personal courage, and a disposition to endeavour to escape in some underhand way, when he enquired about the means of escape from the Recruiting-office. Now, the two Serjeants would endeavour to make it appear that he asked to be put in a particular situation, to have notice of the approach of the mob, and the best way of getting out, as if he was desirous of learning what would be the best means of escape from the Recruiting-office. I do not think it material to go into the balance of testimony here any further than I may say this—that he appears to have been twice at the Recruiting-office; at the first time, there was no danger apprehended—the mob were not at all near, and they might as well have walked out of the Recruiting-office at that time, as that day week before; no danger was to be apprehended, and if no danger was to be apprehended, is it likely he would make enquiry as to how he could escape? So that there can be no kind of question upon that, and there must have been some misunderstanding on the part of the soldiers;—that will be for you to consider—and if you find there was no necessity to enquire for the means of escape, you will hardly believe he did. As to his being there a second time, there was then some danger, and he could not get to the Council-house, and he might then be considering where he was to go to, because the mob was in the rear of the Palace, and in his front, if he attempted to go to the Council-house; and therefore it was very natural. But, as to his asking these questions of the Serjeants, you have it in evidence by persons who were there, that no such discussion took place. But the whole of the time of his being at the Recruiting-office the second time, is not filled up by the persons who accompanied him. Mr. Serjeant Ludlow went away upon one occasion, and others were left with him, but they do not fill up the whole of the time spoken to by the Serjeants;—they swear, that while they were there, nothing of the kind passed as is related by them—but the time is not quite filled up. Gentlemen, such a conversation might have taken place as is alleged, but I do not know that there is anything in it; supposing it was the case that the Mayor wished to escape, he might enquire the best means—he might not wish

to go out in front of the Recruiting office, where the mob was in full force, and he could not get away in the other direction; therefore it was very natural that he should wish to escape, and he did afterwards make his escape, and went away as well as he could. Mr. Serjeant Ludlow went away first, the Mayor was left, and he went with Mr. Daniel.

"Now then, gentlemen, there is another charge about his going with Mr. Daniel. It appears he stood in the middle of College-green: he asked, 'is there any thing more I can do,' and Mr. Daniel said, 'nothing more.' Mr. Daniel then proposed to take him to Clifton. You observe that the Mayor had no habitation of his own except the Mansion-house, which he could not go to, and where was he to go?—he must either remain lurking about the streets all night, or go to some habitation. It is suggested he might have remained at the Recruiting Office: you will consider whether it would have been prudent for him to remain there, a very little distance from the Palace, and where it would have been in all probability soon discovered that the Mayor was there, and if he had been discovered there, you cannot tell the consequences; but it is for you to consider whether, if the Mayor had remained there, he would have been found out. Then, he says, 'I will not leave the city; Clifton is out of the bounds of the city, and I will not go there.' Then Mr. Daniel suggested to him—'My partner lives in this neighbourhood,—we will go there,'—and he remains there for some time. The Mayor, at that time, is anxious to have it known where he was, and a person who was passing, whom Mr. Daniel did not know, was trusted with some letters he was to take to Mr. Serjeant Ludlow, and one of the Sheriffs, and several persons, to say where he was. The Mayor said, 'I wish them to know where I am.' Then, upon that occasion, he is turned out, after he had remained there an hour. Mrs. Granger is very much alarmed; she is afraid if it is known, the house might be attacked, and therefore Mr. Granger, in as quiet a way as he could, hinted to the Mayor that he could not remain in the house. Then, what was to be done? After some time, it was suggested whether Mr. Fripp might not be at his brother's house in Berkeley-square, and it was determined to go there,

and the Mayor went there accordingly; but even there, there was some hesitation to receiving him; but having found a place of safety for the Mayor, Mr. Daniel went home to Clifton; and it appears to have transpired some way or other, we have no distinct evidence how, except that Mr. Lax, who lived next door, might have made it known—for he was aware of it,—and they were concerting means for their escape; but it had transpired, although we have no notice of him till Mr. Serjeant Ludlow went there. It appears that Mr. Brice knew it,—where it came from, or how he learnt it, we do not know; but it appears that Mr. Serjeant Ludlow went with him to get the billets for Captain Codrington's troop; those billets were signed, and it was distinctly stated by the Mayor, when the note was about to be sealed up, 'let it be distinctly understood where I am;' and not only that, but that it was in a particular situation, so many doors from the corner of the street—so anxious was the Mayor, at that time, that it should be known.

"It appears, however, that early in the morning, between two and three o'clock, a person who had been to Queen-square, and saw the mob to be very much reduced, thought that a small party of military would be sufficient to quell them: he had heard that the Mayor was at Mr. Fripp's,—how he heard it we do not know,—but it is clear it was known that he was there: there was some difficulty in gaining admittance at first, but he was admitted; and at that time it is clear it was known to several people. Mr. Serjeant Ludlow knew where to apply about the billets; this person, Mr. Goldney, knew where to apply to get the military; and therefore it was known where he was; and he says, that it was the Mayor's suggestion, before the note was given to Mr. Goldney, that it should be mentioned where he was more distinctly; but Mr. Fripp seemed to think, as it had been mentioned in the former note, that it need not be mentioned again. Mr. Goldney took the note to Captain Warrington, who did not act upon it at the time: ultimately, Colonel Brereton did bring the troop in, and the mob were dispersed. Mr. Fripp, it appears, upon this occasion, desired Mr. Goldney not to say where the Mayor was; he might not wish it to be known, but there is no personal concealment on the part of the Mayor.

"Then, gentlemen, there is some contradiction about what occurred at Mr. Sheriff Lax's. The servant there says he knew the Mayor, and that there was some intimation given by Mr. Daniel, that he was not to tell where the Mayor was going: Townsend distinctly swears that all this passed. On the other hand, Mr. Daniel says that it did not pass, or he should have recollected it: he says it could not have passed, because, at the time he left Mr. Sheriff Lax s, he did not know where he was going; and that the reason he did not gain admittance there was, because Mr. Sheriff Lax's family had gone away, and that directions had been left with the servants, that if the mob attacked the house, they were to throw the coping stones down from the roof, and get away as well as they could: he says he did not know where to go at that time, and that it was by mere chance that Mr. Fripp's house was suggested; he gives that reason why it could not have been mentioned. *Gentlemen*, that is denied. I do not think it is for you to consider the balance of testimony between Townsend and Mr. Daniel, because there is no doubt that Mr. Daniel might wish it to be concealed; whether he did or not, it does not appear that the Mayor wished it: however, it appears that the person in whose house he went wished him to be concealed, and that Mr. Daniel might express that wish to Townsend, and it might be no more than was proper; he might be afraid of its being known to more than the proper Authorities. Mr. Serjeant Ludlow knew where he was, and Mr. Goldney knew where he was; and it is for you to say, whether that is that sort of concealment which is a dereliction of duty, in avoiding places where persons might have communication with him: it does not appear, that there is any other occasion to which the charge can apply.

"Then, as to the personal courage of the Mayor, see the testimony of Major Mackworth;—he says, he never saw a man more cool and collected in his life. He gives him credit for being perfectly cool and collected, though the stones were flying about him,—that he was the person most cool and collected of the party: and you have it from the other witnesses, that, on the Monday, he is perfectly cool and collected,—not having been in bed two nights. All the witnesses speak to his not

manifesting any want of personal courage, or seeming to be at all intimidated.

"Gentlemen, he was placed in a most unfortunate situation altogether. There was no military to act for him; part of the military had been sent away, and part refused to act; the civil force only attended in small numbers, and in the situation he was in, what more could he do? It appears there was a general kind of feeling against the Corporation as to the question about Reform, and there was no disposition on the part of the people to quell the mob.

"Now, gentlemen, it is made a cause of complaint, that when the people went to the Guildhall the doors were closed, and the people could not get admittance. The doors would be very properly closed; the great doors are not opened upon any occasion except when business is transacting, and it would not have been a prudent thing to have opened them; but there were persons stationed at the other door, where people might have found their way in to the Magistrates. Then the witnesses say, there was no Magistrate to be found there;—the Magistrates were always in the building, although in a private room, because other witnesses saw the Magistrates there, and it does not appear that the Magistrates were concealing themselves in any way; they seem to have come down upon those occasions whenever required.

"Gentlemen, I have omitted to state to you, that one of the charges is, that he did not do his utmost in endeavouring to preserve Queen-square. That appeared to be a hopeless case—the mob there was infinitely beyond what it was in any of the other places—the Bridewell, the Gaol, or the Dock Gates, or the Bishop's Palace; the force there was immense, and according to the testimony of some of the witnesses, it would have required a very strong military force to quell them. He could not get there,—it was not in his power to get there,—he was between two fires, if I may use the expression—the mob prevented his getting forward in that direction, and the mob in the Bishop's Palace shut him out the other way. Besides that, he had made his last effort in going up to the Bishop's Palace—his people had left him, and he could not have gone to Queen-square,—he had not a single man at that time, and the mob was

so great that a very large force would have been necessary to have suppressed it. Certainly, the next morning, by two or three o'clock, when the people were tired of burning, then Mr. Goldney went to find out the Mayor and get directions for the military,—that was at five in the morning.

"Now, gentlemen, I have made a remark to you as to a small force being sufficient to defeat the mob on this occasion. In the first place, the question is, whether the Mayor could have had such a force;—those men must have been extremely resolute men, who had been used to danger, and would face danger, because, according to one of the witnesses, by resolute men he meant men used to take knocks—men who did not mind taking hard blows as well as giving them, Had the Mayor any such men? It may be said, it was his duty to hire them;—it was no part of his duty to hire them; if he had hired them, who was to pay for them? But independently of that, he is not bound to hire such men—he is to collect all those who would come upon reasonable warning.

"Now, gentlemen, the only other remark I have to make is, as to the expression that was used to the Mayor by Major Beckwith, when the Magistrates one after another refused to accompany him, and the Mayor amongst others. They talk of saving their property, and the Mayor was one of those who refused to sign the order."

Mr. Justice Park.—"He says, 'I requested one or two of the Magistrates to accompany me on horseback.'"

Mr. Justice Littledale.—"Yes,—he says, 'I went to the Council-house where I found the Mayor and three or four other of the Magistrates, and the Town-Clerk;—I introduced myself as the officer commanding the 14th dragoons;—I enquired where the squadron of the 14th, which had been sent out of Bristol, was;—they referred me to Colonel Brereton;—the Magistrates then complained of Colonel Brereton not having supported them,—that they had no authority whatever, and that the mob was in complete possession of the city; they told me, that the Riot Act had been repeatedly read; upon hearing that statement, I requested that one or more Magistrates would accompany me on horseback;'—the sentence is imperfect."

Mr. Justice Park.—"I will read it:—'I requested that one

or more of the Magistrates would accompany me on horseback; they all refused to do so; upon which, I put the same question to them individually; they all refused; one said it would make him unpopular; another, that it would cause his shipping to be destroyed; and another his property;—they also said, that none of them knew how to ride on horseback except one gentleman, the tall Mr. Alderman Hilhouse, who said, that he had not been on horseback for eighteen years, and that he would hold any body responsible who said a second time that he could ride."

Mr. Justice TAUNTON.—" I have got it in the same words."

Mr. Justice LITTLEDALE.—" I have omitted that part about the riding; I have got it afterwards—' I applied to the Mayor to ride with me, he spoke of his shipping,' and so on. Gentlemen, with regard to that conversation where they talked of preserving their property, it might shew the quo animo, if a sufficient force had not been collected upon the former occasion; and if there was what you thought amounted to a neglect of duty, you might think they were influenced in some measure by a desire to preserve their property; but is any neglect proved? You are to say, from any expression of that kind used, whether they wished to preserve their property; if neglect is proved, there is an end of it. But we are only upon the conduct of the Mayor;—look at the whole conduct of Mr. Pinney, and see if it amounts to neglect of duty; he did sign the order—he made no difficulty in affixing his signature—it was proved to have his signature, and to be addressed to Major Beckwith. You are to consider, looking at the conduct of Mr. Pinney, whether he was influenced by any desire about his property; you have the whole of his conduct, and you will see whether he was likely to be influenced by it. The question can never arise, unless you think he has neglected his duty; if you think it is doubtful, it can only arise in that way to explain what he has done; it is not the duty of any Magistrate to ride with the troops."

" Now, these are the general remarks I have to make upon the case—you have heard the evidence—if you wish me to go through the evidence, and make comments upon any parts of it, I will do so."

A JURYMAN.—" No, my Lord; it is quite unnecessary."

Mr. Justice LITTLEDALE.—" If you do not wish that to be done, the case is now entirely for your consideration. You see the difficulty in which any person in the situation of the Mayor is placed; on the one hand, he is put in a situation of extreme peril, if he exceeds his duty; and he is placed in a situation of extreme peril if, he does not come up to his duty; and, at the same time, in point of law, if a man does not come up to the very point at which he is to do his duty, he is liable.

" The whole case is before you—you are to consider that this is a general indefinite charge—it is not any specific thing that is to be done, but a general dereliction of duty, not collecting a sufficient force—it is for your consideration. The question is, whether he used those means that the law directs, to call out a sufficient force—and whether, when the force was assembled, he made all the use that the law requires of such a force as he actually collected. He was not bound to endeavour to get any other force than that which came to him *upon* his warning—that is what the law required.

" It is a matter of very great importance to men acting as Magistrates in this country. I commented before upon the case of Mr. Kennet, where there was a specific charge brought against him, but the conviction of that individual has nothing to do with this case.

" There is no doubt a Magistrate is put in a situation of a very great degree of responsibility;—you will take into consideration whether there has been criminal neglect;—if you are of opinion there has been criminal neglect you will find the Defendant Guilty;—if there has not been criminal neglect, you will find him Not Guilty. It will not be necessary for me to state over again what I have already stated upon the law of the case. If either of my learned brothers wish to add any thing, by the rules of the Court, they are at liberty to address you."

Mr. Justice J. PARKE.—" It is not necessary at all."

FOREMAN OF THE JURY.—" May we retire, my Lord?"

Mr. Justice LITTLEDALE.—" Certainly."

" The Jury retired at a quarter before one o'clock, and returned into court at eight minutes past one.

Mr. DEALTRY.—" Gentlemen of the Jury, are you agreed in your verdict?"

FOREMAN OF THE JURY.—" We are."

Mr. DEALTRY.—" Do you find the Defendant Charles Pinney Guilty or Not Guilty of the misdemeanors imputed to his charge?"

FOREMAN OF THE JURY.—"WE UNANIMOUSLY FIND CHARLES PINNEY, LATE MAYOR OF BRISTOL, *NOT GUILTY* OF THE MISDEMEANORS IMPUTED TO HIS CHARGE. WE ARE UNANIMOUSLY OF OPINION, CIRCUMSTANCED AS HE WAS, MENACED AND OPPOSED BY AN INFURIATED AND RECKLESS MOB,—UNSUPPORTED BY ANY SUFFICIENT FORCE, CIVIL OR MILITARY,—DESERTED IN THOSE QUARTERS WHERE HE MIGHT REASONABLY HAVE EXPECTED ASSISTANCE,—THAT THE LATE MAYOR OF BRISTOL ACTED, ACCORDING TO THE BEST OF HIS JUDGMENT, WITH ZEAL AND PERSONAL COURAGE."

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Sir JAMES SCARLETT.—" My Lord, I am desirous, before the Jury withdraw, and in their presence, to assure your Lordships, that in the conduct of this cause, as far as I have been concerned, I have neither introduced, nor have I intended to introduce, any one topic that did not grow out of the evidence, and was not strictly connected with the cause. However, as his Majesty's Attorney-General did think fit yesterday———

Mr. Justice J. PARKE.—" It is quite unneccessary to make any observation of that kind: it is unfortunate that any remarks should be made upon persons not before the Court, or of a personal nature on one side or the other."

Sir JAMES SCARLETT.—" Whoever gave my Learned Friend information that I had personal motives, or informed him of the facts he insinuated, has given him false and malicious information; and, whenever he makes a charge against me that I can reply to, I hope to be able to prove my own innocence, as well as I have proved that of Mr. Pinney."

Mr. ATTORNEY-GENERAL.—" I hope I shall be allowed———

Mr. Justice J. PARKE —" It ought not to be permitted."

Mr. ATTORNEY-GENERAL.—" Having heard one side, I hope you will hear the other. I was not in the least degree prepared for this most extraordinary statement of my learned friend. I beg to say, in the face of your Lordships, and of the Jury, and the country, upon my honour, as a gentleman, that I have introduced no topic that I did not think essential for the right disposal of the cause, and for me to deal with it in the manner I have dealt with it. As to what has been said of information conveyed to me,—no such information has been conveyed. I have merely stated what I thought right to remove a prejudice that I did not introduce. I appeal to the Jury, whether any personal topic was introduced by me, in bringing the case before them."

Mr. Justice J. PARKE.—" I must say, that I think this had better have been omitted on both sides."

Mr. ATTORNEY-GENERAL.—" I did not introduce it."

Mr. Justice J. PARKE.—" I do not know whether you mean to proceed with the other cases."

Mr. ATTORNEY-GENERAL.—" I have no intention to announce it now; but those Gentlemen of the Jury attending in the other cases need not remain."

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